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HANSARD'S
PARLIAMENTARY
DEBATES:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE YEAR 1803."

New Series;

COMMENCING WITH THE ACCESSION OF GEORGE IV.

VOL. XXIV.

COMPRISING THE PERIOD FROM
THE EIGHTH DAY OF APRIL,
TO
THE FOURTH DAY OF JUNE, 1830.
[Third Volume of the Session.]

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1830.

Page
May 11. Poor Laws for Ireland 533
Poor Laws in England 535
Hickson's Divorce Bill 542
East Retford Disfranchisement Bill 543
12. British Spirits 594
13. National Distress 659
18. Greece 815
21. Conscientious Scruples of the Military 918
Suits in Equity Bill 919
24. King's Illness—Message from the Throne 986
Greece 989
Four-and-a-half per Cent Duties 998
East Retford Disfranchisement Bill 998
25. The King's Indisposition—Sign Manual 1062
Conference with the Commons 1070
Four-and-a-half per Cent Duties 1070
26. Sovereignty of Greece 1116
Suits in Equity Bill 1123
27. Birmingham Grammar School 1131
His Majesty's Sign Manual Bill 1132
28. Russian Tariff 1189
Papers relating to Greece 1189
Sign-Manual Bill 1191
June 3. Greece 1256
4. Sir Jonah Barrington 1346
State of Business 1346

II. DEBATES IN THE HOUSE OF COMMONS.

Apr. 8. Publicans' Licenses 3
Navigation of the Rhine 4
Blockade of Prevesa 8
Land Tax 8
Distress 10
Stamp Duties 10
Forgery 11
Timber 14
Sale of Beer 15
Tobacco Duties 26
26. Tobacco 34
Death for Forgery 35
Madras Registrar's Bill 37
Watching and Lighting Parishes Bill 38
Poor Laws Amendment Bill 38
Galway Franchise Bill Committee 54
Deserted Children (Ireland) Bill 56
Usury Law Bill 56

		Page
Apr. 26.	Superannuated Allowances	64
27.	Irish Protestant Church	70
	Vestries in Ireland	83
	Administration of Justice	104
28.	Law of Divorce	124
	Schedule of Taxation	125
	Terceira	126
29.	London Bridge Approaches Bill	227
	Insolvent Debtors	227
	The Jews	236
	Stamp Duties on Newspapers	237
	Corporation Fraud	238
	Solicitor General of Ireland	240
	Law Reforms	243
30.	Scotch Judicature	294
	Conscientious Scruples of the Military	298
	Machinery	303
	Beer Trade	304
	Privy Council	304
	Committee of Supply—Ordnance Estimates	305
May 3.	Beer Bill	323
	Truck System	325
	Tax on Steam Carriages	328
	Forgery	328
	Committee of Supply	329
	St. James's Park	340
	Windsor Castle	347
	Navy Pay Office	352
	Continuance of Offices on the Demise of the Crown	354
4.	Emancipation of the Jews	375
	Petition of Indo Britons	377
	Beer Trade	287
	Law Relating to Forgery	389
	Irish Constabulary Force	390
	Catholic Charitable Bequests	394
	Catholic Marriages	396
	Beer Trade	401
6.	Sale of Beer Bill	446
	Stamps on Irish Newspapers	448
	Road from Waterloo Bridge to the north side of the Metropolis.	450
	Petition of the Ship-owners of London	453
	Conduct of Sir Jonah Barrington	484
	Usury Laws	493
10.	Waterloo Bridge	502
	Irish Stamp Duties	503
	Business of Parliament	504
	Greek Loan	504
	Supply	506

TABLE OF CONTENTS.

Page
May 10. Deserted Children (Ireland) Bill 527
Demise of the Crown 530
11. Police Trials—Ireland 545
Mr. Willis's Case 551
Lord Lieutenancy of Ireland 555
State of Newfoundland 580
Improvement in Chancery 593
Grand Canal—Ireland 593
12. Doneraile Conspiracy — Conduct of the Solicitor General —Ireland 596
13. Mauritius Sugar and Slavery 672
Punishment of Death for Forgery 674
Interments in the Metropolis 680
Fluctuation of Employment among Manufacturers 682
Tax on Coals 696
Hackney Coaches 703
Apprentices 704
14. Stamp Duties—Ireland 707
Forgery 708
Business of Parliament 709
Supply 710
Emoluments of the Privy Council 731
17. Stamps—Ireland 760
Transmission of Bullion 762
National Distress 764
Poor Laws—Ireland 766
Petitions in favour of the Jews 767
Petition in favour of the Jews 769
The Mauritius 774
Parliamentary Reform—Birmingham Petition 774
Bill for the Removal of Jewish Disabilities 784
18. Tithes 818
Imprisonment for Debt—Libel Law 826
West Indies 829
Distress 830
Case of James Kelly 830
Borris-o'-kane Trials 831
Business of the Session 831
British West India Colonies 834
First Fruits—Ireland 838
Court of Chancery 859
Frauds in Canal Subscriptions 859
Forest of Dean 863
King's Message—Administration of Justice 864
19. Irish Constabulary Force 866
Judges of Wales 868
20. Irish Constabulary Force 869
Algiers 871

TABLE OF CONTENTS.

Page
May 20. Mexico 875
Frauds in Soliciting Private Bills 907
21. Committee of Supply—Four-and-a-half per cent Duties 922
Miscellaneous Estimates—Milbank Penitentiary 938
Sale of Beer Bill 951
22. Sir Jonah Barrington 965
Breach of Privilege 979
Irish and Scotch Paupers 1000
The King's Illness—Message from the Throne 1001
Greece 1002
The Cape of Good Hope 1005
24. Forgery 1014
Four-and-a-half per Cent Duties 1015
Mexico 1017
Supply 1029
Forgeries' Punishment Bill 1031
25. Profanation of the Sabbath 1037
Sir Jonah Barrington 1075
Duty on Lead 1083
Dramatic Censorship 1085
Canada 1093
Tobacco Manufacturers 1111
Galway Franchise Bill 1115
26. Liabilities of Stage-Coach Proprietors 1128
Paupers (Scotch) and Irish Removal Bill 1129
27. Office of Registrar of Deeds—Ireland 1141
Interference of the Military at Rye 1142
Scotch Judicature 1145
Duties on Soap and Candles—Ireland 1146
The Royal Sign-Manual Bill 1148
Island of Ceylon 1155
Court of Chancery 1171
Administration of Justice Bill 1172
28. Perth Navigation 1191
Clyde Navigation Bill 1192
Greece 1193
The Royal Sign-Manual Bill 1193
Court of Session Bill 1195
Stamp Duties—Ireland 1196
New Police 1199
Fisheries 1201
Small Debts Courts 1202
Assessed Taxes 1202
Freedom of the City 1204
Parliamentary Reform by Universal Suffrage 1204
Northern Roads Bill 1256
June 3. Imprisonment for Debt 1258
Irish Vestry Act 1259

Page
June 3. Law of Divorce 1260
Poor Laws for Ireland 1294
Sale of Beer Bill 1333
Northern Roads Bill 1335
4. New Street from Waterloo Bridge 1348
Scotch and Irish Vagrants 1351
Abolition of Suttees 1355
Ways and Means 1356
Four-and-a-half per Cent Duties 1356
Committee of Supply—Mint Coinage 1361
Law Expenses of the Crown 1368
Sale of Beer 1398

III. KING'S MESSAGES.

May 24. Message from the Throne informing the House of his Majesty's Illness—House of Lords 986
Message from the Throne, informing the House of his Majesty's Illness—House of Commons 1001

IV. ADDRESSES.

May 24. Address to the King on the Message from the Throne respecting his Majesty's Illness, from the House of Lords 987
Address to the King on the Message from the Throne respecting his Majesty's Illness, from the House of Commons 1001

V. PETITIONS.

May 24. Petition from the Bankers of many towns against the Punishment of Death for Forgery 999

VI. LISTS.

Apr. 27. List of the Minority, in the House of Commons, on the Vestries in Ireland Bill 104
28. - - - of the Minority in the House of Commons, on the Affair at Terceira 213
30. - - - of the Minority, in the House of Commons, on the Ordnance Estimates 313
May 3. - - - of the Minority, in the House of Commons, on the Committee of Supply—St. James's Park 345
4. - - - of the Minority, in the House of Commons, on the Beer Trade 422

Page
10. List of the Minority, in the House of Commons, on the Committee of Supply 526
11. - - - of the Minority, in the House of Commons, on the Debate on the Lord Lieutenancy of Ireland.................. 579
- - - of the Minority, in the House of Commons, on the State of Newfoundland 593
12. - - - of the Minority, in the House of Commons, on the Debate on the Doneraile Conspiracy, and the conduct of the Solicitor General for Ireland 659
13. - - - of the Minority, in the House of Commons, on the Debate on the Tax on Coals................................ 702
14. - - - of the Minority, in the House of Commons, on the Debate respecting the Emoluments of the Privy Council 757
18. - - - of the Minority, in the House of Commons, respecting the First Fruits—Ireland................................. 858
21. - - - of the Minority, in the House of Commons, on the Committee of Supply, and four-and-a-half per Cent Duties.. 937
24. - - - of the Minority, in the House of Commons, on the Forgeries Punishment Bill 1060
25. - - - of the Minority, in the House of Commons, on the Civil Government of Canada : 1111
- - - of the Minority, in the House of Commons on the Galway Franchise Bill 1116
27. - - - of the Minority, in the House of Commons, on the Administration of the Island of Ceylon 1171
28. - - - of the Minority, in the House of Commons, on Parliamentary Reform, by Universal Suffrage.................. 1254
- - - of the Minority in the House of Commons, on Lord J. Russell's Motion on the same subject 1255
June 3. - - - of the Minority, in the House of Commons, on the Law of Divorce 1293

HANSARD'S

Parliamentary Debates

During the FOURTH SESSION *of the* EIGHTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and* IRELAND,
appointed to meet at Westminster the 4th of February,
1830, *in the Eleventh Year of the Reign of His Majesty*
GEORGE THE FOURTH.

[Third Volume of the Session.]

HOUSE OF LORDS.

Thursday, April 8, 1830.

MINUTES.] The Royal Assent was given by Commission to the Officers' Indemnity Bill, the Smugglers' Families Bill, the County Palatine of Durham Bill, and several private Bills. The Tanjore Commissioners' Bill was read a third time and passed. The Earl of SHAFTESBURY laid on the Table Reports of the Irish Ecclesiastical Courts' Commissioners, and of the Irish Charities' Commissioners. Sir A. GRANT and others from the Commons brought up the Four-per-Cents Bill, the East Retford Witnesses' Indemnity Bill, the Haymarket Removal Bill, and some Private Bills.

Returns presented. An Annual Account of Superannuation Allowances:—An Account of Foreign and Colonial Wheat remaining under Bond on January 5, 1828, the Quantity entered for Home-consumption, the Quantity re-exported, and the Quantity remaining under Bond on January 5, 1830:—An Account of Wheat imported into Liverpool from Ireland or Coastwise, from July 5, 1828, to Jan. 5, 1830:—An Account of all Sums expended on Surveys for the Roads between London and Edinburgh, and London and Portpatrick:—An Account of Pensions and Salaries granted by the Company during the period therein mentioned.

Lord STRATHALLAN laid on the Table a Second Report of Evidence taken before the East India Committee—Ordered to be Printed.

Petitions presented. By Lord CALTHORPE, from the Females of Blackburn, and two Congregations of Protestant Dissenters of Blackburn, against Suttees. By Lord HOLLAND, from the Inhabitants of Woburn, praying for the Revision of the Criminal Code.

HOUSE OF COMMONS,

Thursday, April 8.

MINUTES.] On the Motion of the CHANCELLOR OF THE EXCHEQUER it was ordered that the House at its rising should Adjourn to Monday, April 26th.

Returns ordered. The Amount of Profit or Loss arising from the Manufacture of Small Arms, Gunpowder, &c. for the use of his Majesty's Service:—Of the Amount of Revenue transmitted from Scotland, and the Per-centage charged:—The whole Amount paid as Salaries of Civil Officers, above 60*l.* a year, at New South Wales:—Copies of the Correspondence relative to granting Compensation in 1824 to the Collectors of Customs at Liverpool, Belfast, Cork, and Dublin, for the loss they sustained by the change in the method of remitting Public Money:—The number of Resident Jesuits and Members of Religious Orders registered in Ireland:—The Amount of Lay-tithes in Ireland:—Account of Machinery exported during the last Six Years:—Of all the Tobacco imported from Ireland since 1828:—Of the number of Yards of Calico Dyed during the last Three Years:—Of the number of Gallons of Rum imported into Great Britain and Ireland since 1826, the Quantity exported, and the Quantity remaining in Bond:—Copy of the Memorial presented to the Lords of the Treasury from the Distillers of Scotland, England, and Ireland, with any Report made thereon by the Commissioners of Excise:—The number of Bankrupt Cases decided by the Lord Chancellor and Master of the Rolls during the last Six Years:—On the Motion of Mr. FOWELL BUXTON, of the number of Persons executed for Forgery during the last Ten Years:—On the Motion of Mr. KEITH DOUGLAS, the Duties levied on the produce of our Colonies, with the Quantities imported and exported, distinguishing the Colonies:—And on the Motion of Mr. HUME, of the number of Acres of Land under Cultivation in Ireland.

An Address was ordered to be presented to his Majesty to obtain Copies of certain Letters written in March, 1827, relative to the Expenditure of the island of Ceylon, the Mauritius, and the Cape of Good Hope.

Returns presented. The number of Justices of the Peace in each County of Scotland:—The number of Bankrupts in every Month from January, 1825, to February, 1830:—Copy of Letter from the Secretary of State addressed to the Public Offices, recommending the use of Machinery in Sweeping Chimnies.

Petitions presented. By Mr. CHARLES CALCRAFT, from Mary Anne Lloyd, complaining that she had been defrauded by what were called Poyais Bonds, and praying the House to institute an inquiry into that scheme of fraud. By Mr. WILMOT HORTON, from the Manufacturers and others of Newcastle-under-Lyne, against the renewal of the East India Company's Charter:—By Mr. HUME, with the same prayer, from the Incorporated

Trades of Arbroath:—By Mr. KEITH DOUGLAS, from the Burgesses of Pollockshaws, with the same prayer. By Sir JAMES GRAHAM, from the Inhabitants of Whitehaven and Cockermouth, against the employment of Climbing Boys. By Lord CLIVE, from the High Sheriff and Grand Jury of the County of Montgomery, against any alteration in the Welsh Judicature. By Mr. DICKENSON, from the Licenced Victuallers of Frome Selwood, against throwing open the Trade in Beer. For the abolition of the Punishment of Death in cases of Forgery, by Mr. FOWELL BUXTON, from the Inhabitants of the Liberty of the Tower:—By Mr. F. BARING, from the Inhabitants of Portsmouth. By Mr. MARSHALL, from the Inhabitants of Craven (Yorkshire), praying for a Duty on the importation of Foreign Lead. By Mr. SPRING RICE, from the Grand Jury of the County of Galway, for extending the Corporate Franchise of Galway to the Catholic Inhabitants. And by Mr. RAMSDEN, from the Clergy, Gentry, and other Inhabitants of Wakefield, for the Assizes to be held in that Town.

PUBLICANS LICENSES.] Mr. *Sadler*, in presenting a Petition from the Licensed Victuallers of Sutton in Ashfield cum Stuckwall under Huthwait, and other places against the proposed alteration of the Licensing System observed, that the subject was of great importance, both as affecting a large body of respectable tradesmen, who, shaping their operations by the existing law had invested considerable capitals in their business, and the public at large. He was opposed to the contemplated alteration because he thought, whatever evils might result from the present system, they were susceptible of being remedied without inflicting an injury on a large class of industrious men. The alteration proposed would, if carried into effect, instantly deteriorate the property of all Licensed Victuallers, many of whom had paid large sums for their business, while many of them had made that business by many years of uninterrupted labour, and unintermitted care. The petitioners also say, which in his opinion was well worthy of the attention of the House, that under the present mode of granting licenses, the magistrates exercise a salutary control over this class of tradesmen, and over the management of their houses and business, which is in the highest degree useful to the public. Its moral advantages were great, and they would be entirely thrown away if every man, on the payment of a trifling sum of money, be entitled to a license as a matter of course. He felt grateful, and was anxious to express his gratitude to the Chancellor of the Exchequer for the remission of taxation already granted, but he begged leave to suggest to him that it would be far better to repeal the Malt than the Beer duties, which encourage domestic consumption, and the home-brewing of the cottager. He earnestly called the attention of the Chancellor of the Exchequer to this subject, and hoped that right hon. Gentleman would not think it too late to revise his contemplated alterations respecting the Licensing System and the Duty on Beer.

Petition to be printed.

NAVIGATION OF THE RHINE.] Mr. *Charles Grant* said, he wished to take that opportunity to ask his right hon. friend, the Secretary for the Home Department, a question or two, which concerned not only the faith of treaties, but the commercial interests of this country. It was well known that the Treaty of Vienna, concluded in 1815, contained certain stipulations concerning the navigation of rivers. Amongst the Acts which formed part of the Treaty, the Sixteenth related expressly to this subject, and contained several stipulations with regard to the Navigation of the Rhine. He would take the liberty of reading the beginning of the first Article, which was quite explicit:—" The Navigation of the Rhine, from its source to the sea, shall be entirely free for all, on the payment merely of the dues which shall be necessary for preserving the police of the river." By these words all the Powers of Europe were entitled to the free navigation of that river. No vessels whatever were to be excluded, nor any duties levied, except such as were necessary for keeping up the police. The King of the Netherlands, however, had resisted that construction of the treaty, and had excluded all vessels from the navigation of the Rhine, by prohibitory duties, except vessels belonging to the Netherlands. In consequence of his conduct, a great deal of discussion had ensued, which was extremely interesting; but notwithstanding that, and notwithstanding the treaty of 1815, the navigation of the Rhine was still closed, except to the subjects of the Netherlands. The Treaty of Vienna had not, therefore, been carried into effect, which was a serious subject, calling for the attention of his Majesty's Ministers. The event had recently received a considerable accession of interest. About a year ago some of the Continental Powers resolved to make a common appeal to all Europe, and in this it was expected that England would take a prominent part. When he quitted office in 1828, he was persuaded that such a united appeal would be made, and he expected, that it would be successful. It appeared, however, that in 1829 a treaty had been concluded by the Powers more immediately connected with the Rhine, excluding all but themselves, making no mention of England, and taking exclusively to themselves all the benefits of the Treaty of Vienna. The treaty these Powers had lately concluded secured the free and open navigation of the Rhine to vessels belonging to the States bordering on that river, though it was not yet, he believed, carried into effect, because France being somewhat jealous on the subject had not yet ratified it. It was understood on the Continent, however, and publicly announced, that France had only deferred the ratification, and that the treaty would speedily be carried into execution. In its effects it would give to those Powers the right stipulated for in the Treaty of Vienna, and England would be left out. Under these circumstances, he thought himself entitled to put some questions to his right hon. friend. He would first beg leave to ask if any official communication had been made to our Government of the conclusion of this treaty by the Powers bordering on the river? His second question was, when this treaty was communicated to his Majesty's Government, would there be any objection to lay it on the Table of the House, as it was a matter of such importance that the House ought to be made acquainted with it? Thirdly, he wished to ask if there were any measures now in progress for securing to this country the rights which were stipulated for by the Treaty of Vienna? He believed, according to the information he had received, there were now negotiations pending, to obtain the opening of the Navigation of the Rhine.

Mr. Secretary *Peel* stated, that he was willing to follow the example of his right hon. friend, and give a short explanation as well as an answer. In 1815, a treaty was made at Vienna, which he thought, and in this he concurred with his right hon. friend, and all his predecessors in office, intended that the navigation of the Rhine should be open to all nations. A doubt, however, had arisen as to the meaning of the treaty, which was drawn up originally, he believed, in German, and not in French, and the King of the Netherlands contended that the words of the original treaty did not bear the signification other parties had assigned to them. What might be the meaning of the original treaty in German he would not decide, but looking at it as it was expressed in French, he had no doubt that it was meant to open the navigation of the Rhine to all nations. The words were, that the navigation shall be free—*jusqu' à la mer.* The government of the Netherlands interpreted this to mean as far as the sea, and not into the sea; which was not, he thought, a very good argument. Another difficulty had been raised concerning the channel of the Rhine, connecting it with the sea—whether it were the Waale, or the Leek exclusively; and the King of the Netherlands was disposed to determine that it was the Leek exclusively. If that were the case, as the Leek was not navigable for sea-going vessels, nor accessible at all times, it would so limit the navigation of the river, as to render it almost useless. England, he admitted, above all other nations, was interested in having the navigation of the Rhine free, or subject only to such very moderate duties as were sufficient to maintain the police of the river, keeping the towing-path in order, &c. His right hon. friend, after having stated the case, had asked if the navigation were not closed to all but those having a concurrent interest in the river? He had asked whether there had not been a treaty lately signed by the Continental Powers bordering on the Rhine? and he had also asked whether or not this treaty would be communicated to Parliament when it was ratified? As he understood the subject, it was somewhat different from the case as stated by his right hon. friend. There were assembled at Mayence, commissioners from all the States bordering on the Rhine, constituting what was called the Central Commission, which represented all these States, and no treaty had been entered into between them and the King of the Netherlands. There was, indeed, a *projet* of a convention between Prussia and the Netherlands, which had been communicated to the Central Commission, which had not stated that it would accept this *projet.* When the treaty was concluded and ratified, there was no doubt it would be communicated formally to his Majesty's Government, and when communicated, he had no doubt it would be laid before the House. He could not pledge himself, as the treaty was not ratified, as to what would be the course pursued by his Majesty's Government. France, he believed, had some objection to the treaty; but he could have no doubt that when it appeared, England would claim her full share of the advantages. England was not prepared to acquiesce in any system for granting exclusive commercial privileges; she had signified to those Powers that they were not to prejudice her interests by their treaties, and that she should urge her rights according to the treaty of 1815. In the present state of the case, England claimed a free traffic, and declared, that till the treaty was ratified she would not consider her claims in any way prejudiced. In whatever view it might be ratified, England would not consent to any such exclusive scheme. He agreed with his right hon. friend that the interests of the commercial world ought not to be overlooked; and he was sure that his Majesty's Government was deeply alive to every measure which affected the commercial interests of this country.

Mr. *C. Grant* said, that the convention between Prussia and the Netherlands, mentioned by his right hon. friend, was different from what he described it to be. The *projet*, which he had seen in a German Paper, for December, was entered into by Prussia, Bavaria, France, Hesse, Nassau, and the Netherlands. It was not merely a convention between Prussia and the Netherlands, but an agreement entered into between all the parties. That was the general impression concerning it. When the treaty was carried into operation, England would be unable to claim any privileges under it, as it related solely to the Powers who were parties to it. The treaty, as he understood it, was so exclusive, that vessels from Baltic-Prussia were not to enter the Rhine, the navigation of which was to be confined to the vessels of the Powers seated on its banks. Under the treaty, England would have no privileges whatever.

Mr. Secretary *Peel* replied, that he had stated what was, he believed, correct. He believed the *projet* was only for a convention between Prussia and the Netherlands. Prussia was the party most interested. The Central Commission consisted of a delegate from each State situated on the borders of the Rhine; and that commission had never consented to the convention entered into between Prussia and the Netherlands. The Powers concerned had the convention under consideration; but what opinion they would form, it was impossible to say. He believed that the *projet* was formed on the principles of the treaty of 1815, which certainly his Majesty's Government would not lose sight of. England would not relinquish her claims, and when the treaty was ratified would not forget to urge them. He supposed that the case would be amicably arranged; but whatever might be the result, England would claim all the benefit which she had a right to. It might perhaps be satisfactory to his right hon. friend to know that an English vessel had proceeded up the Rhine with a cargo, which had been delivered at Cologne.

Mr. *C. Grant* knew that an English vessel had proceeded up the Rhine, but be also knew that there was no disposition to repeat the voyage. The duties levied on her were so enormous, that they destroyed all profit, and no other vessel would make the same experiment.

Mr. Secretary *Peel* said, the Government would protest as strongly against prohibitory duties as against actual prohibition.

BLOCKADE OF PREVESA.] Dr. *Phillimore* took the opportunity to express a hope that the papers respecting the state of the negotiations on the subject of Greece, which were shortly to be laid on the Table of the House, would contain a satisfactory explanation of the cause of the Blockade of Prevesa, and those other events which were now so much a matter of conjecture. The imputation that Great Britain had been guilty of a violation of that law acknowledged throughout Europe, and which she had expended so much blood and treasure to uphold, ought to be removed.

Mr. Secretary *Peel* said, that the papers would contain a full statement of the progress of the negotiations, but it should be understood there were circumstances such as the existence of an armistice between the parties, which would take the case alluded to by the learned Gentleman somewhat out of the ordinary law of nations.

LAND TAX.] Mr. *Hobhouse*, in presenting a Petition from the Parish of St. Paul, Covent-Garden, against the unjust and unequal method of imposing the Land-tax, took occasion to observe, that the parish of St. Paul actually paid a Land-tax of 2*s.* 4*d.* in the pound, while the rich and populous parish of Mary-la-bonne paid only three farthings in the pound, and the extensive parish of St. Pancras not more than 2*d.* in the pound. In order to show how unequally the Land-tax was imposed in particular districts, he would take leave to read a short account of the sums levied in different places, lying, in some cases, in the immediate neighbourhood of each other. In the whole of the City of Westminster the sum collected yearly on account of Land-tax was 63,000*l.* In the county of Sussex, with the exception of one or two of the Cinque Ports, but including Brighton, Lewes, and Chichester, the sum was 57,560*l.* In Lancashire, including Liverpool and Lancaster, the sum was only 20,989*l.* In the city of London the amount collected was, however, 123,000*l.* In the Town of Rye the sum was 473*l.*, while in the Town of Hastings, which was treble the size, the sum was only 378*l.* In the city of Bath the sum was 433*l.* 6*s.*, while in Winchelsea, where there were not more than sixty or seventy inhabited Houses, the sum was 405*l.* After observing that the parish of St. Andrew, Holborn, was rated at the sum of 1*s.* 2*d*, in the pound, and commenting on the hardship inflicted on that parish, and on St. Paul's, Covent-garden, the hon. Member proceeded to say, that the whole sum redeemed under the plan of Mr. Pitt was only 713,000*l.* while the amount remaining was only 1,263,000*l.* a-year. He thought it would be very easy to deal with this sum if the Government were disposed to do so, and that a tax of 2*s.* in the pound would produce 3,000,000*l.* to the State, while 4*s.* produced little more than 1,000,000*l.* He trusted that, if the present Session had too much business before it to allow the Government an opportunity of dealing with the subject now, that it would be brought forward at an early period of the next Session, and some relief afforded to the petitioners.

The Petition to be printed.

Mr. *Hume* was of opinion that the Parliament ought not to interfere in this case. In many places the Land-tax had been redeemed, and the House had no right, after one person had redeemed his share of the Tax, to call on him to pay a part of his neighbour's share who may not have had the prudence or the power to relieve himself.

Mr. *Hobhouse* alluded only to the unredeemed Land-tax; in his opinion, Parliament ought to consider whether or not some more equitable mode of raising the unredeemed Land-tax could be adopted.

DISTRESS.] Lord *Stanley* presented a Petition from the inhabitants of Hastingden, in the county of Lincoln, the purport of which he was sorry to say was to represent to the House the great and general Distress which prevailed in that part of the country. Many persons the petitioners represented, had been reduced, by no fault of their own, from comparative wealth and happiness to poverty and destitution. They prayed for a reduction of taxation; but they stated that there was no way of relieving the Distress except the wages of labour were raised, or the price of the necessaries of life much reduced. The petitioners did not look for any rise in wages, owing to the continued increase of machinery; and therefore they thought that the Government was imperiously called on to make a large reduction of taxation so as to reduce the price of the necessaries of life. The clergyman who had forwarded the Petition to him had assured him that the distress of the petitioners was not exaggerated, and that although they had always borne their misfortunes with patience, they had been in a better humour with Government than before, since it had shewn a disposition to diminish taxation. When his Majesty's Government was thus informed that reduction of taxation, both relieved distress, and strengthened loyalty, he trusted that it would go on in the same wise course, and follow up the reductions of this year by still greater reductions hereafter.

Petition to lie on the Table.

STAMP DUTIES.] Mr. *Hume*, in presenting a Petition from the Provost and Magistracy of Brechin, complaining of the Stamp Duties on Inventories, said, that this was the ninth or tenth Petition he had presented during the last three years on the same subject. Nothing could be more vexatious than the manner in which these duties were levied in Scotland, for they took an inventory of every article of a deceased person, even to a night-cap, and that, too, before the body was removed from the house, if the property amounted to more than 20*l*. He thought the sum should be fixed at 100*l*., and he pressed the subject on the attention of Government. The petitioners also complained of the unequal manner in which the Stamp Duties operated in respect to mortgages, the Stamp being 35*s*., whether the mortgage were for 50*l*. or 50,000*l*. He concurred also in this part of the petitioners prayer, and hoped that in the new arrangement of the Stamp Duties, the subject would be taken into consideration.

Mr. *Stewart* saw no reason whatever, for continuing the vexatious Inventory tax, which to the people of Scotland was irksome beyond description, and of which they particularly complained, because they only were subject to it. They had long desired to be placed in this respect on the same footing as the inhabitants of England. He had been particularly requested by the people of the north to enforce this view on the attention of the Government, and took that opportunity therefore of doing so.

FORGERY.] Mr. *Lennard* presented a Petition from the Bankers, Merchants, and other inhabitants of Woodbridge, in the County of Suffolk, praying for the abolition of the punishment of death for the crime of Forgery. The hon. Member observed, that the Petition was most respectably signed; that the circumstance of its being signed by the bankers of the place was one deserving of the attention of the right hon. Secretary of State, and of the House. He knew that the feeling on this subject entertained by the bankers of Woodbridge was very general among bankers throughout the country, and he hoped that the same feeling would be evinced by the London bankers. He trusted that the time was approaching when the punishment of death for any description of Forgery would be expunged from our penal code.

Mr. *Trant* said, that he knew a respectable banker, who having several years ago been obliged to prosecute an individual for Forgery, and having failed, after a conviction had taken place, in his efforts to save the life of the prisoner, he declared that henceforward nothing should induce him to institute a similar prosecution, and that he would rather lose his entire fortune than be the means of taking away the life of any man for such an offence. This banker also told him that such were the sentiments of several other bankers, and that it was the general opinion of that class of persons, who were most interested in the question, that the punishment of death ought to be removed from the Statute-book in all cases of Forgery. His own opinion was, that the measure introduced by the right hon. Gentleman opposite would not give general satisfaction unless it went that length.

Mr. *F. Buxton* said, that he had received two letters on the subject—extracts from which he would take the liberty of reading to the House. The first was from a highly respectable clergyman at Glasgow, where a petition had been prepared, signed by all the bankers and respectable merchants in that city, praying for the abolition of the punishment of death for Forgery. The words of his correspondent were:—"The bankers, to a man, have been favourable; I am given to understand that there is scarcely a banker in town (if, indeed, there be even one), who has not been in circumstances in which he has forborne to prosecute rather than expose the offender to the certainty, or even the risk of death; and this forbearance has been exercised sometimes in circumstances of an aggravated nature." The other letter to which he alluded was from a banker at Newcastle. The writer said, "I now wish to offer you my testimony on the subject of Forgery, in confirmation of your sentiments expressed in the House. My mind has long been distressed with the present law. I gladly embraced the first opportunity to do what I could for its alteration, and lately took some pains in forwarding a petition from here, praying that in all cases the penalty should be short of the forfeiture of life. The leading partners of the banks in this town signed it, under the practical conviction that the severity of the law was not a protection to us, but tended to increase the crime. I also called on our principal merchants, who concurred in the same sentiments, and signed it. This opinion may be said to be universal in this district." He (Mr. F. Buxton) objected to the punishment of death for Forgery, on the grounds stated in his correspondent's letter, and he also objected to it on higher grounds. He thought the legislature had no right to take away the life of any man for an offence against property. He was sure that a strong wish existed among the bankers, and other respectable classes of the community, throughout the country, to see the law altered in that respect.

Mr. *Warburton* expressed his conviction, that a general impression existed throughout the country that the punishment of death for Forgery ought to be abolished. With respect to protection against the crime, the late alteration in the law, by which a person on whom Forgery was committed was permitted to be a witness in the case, afforded an incalculably greater protection against the crime than any severity of punishment. He was sure that public opinion would go with the right hon. Gentleman if he were to abolish the punishment of death altogether.

The Petition to be printed.

Mr. *Western* rose to present a Petition from the Bankers and Inhabitants of the Town of Witham, in Essex, praying that the punishment of death in cases of Forgery might be abolished. He was able to say, having presented several petitions on this subject, that a great body of his constituents were averse to the punishment of death for this crime, and wished to see it abolished. He concurred with them in thinking that it ought to be abolished for the crime of Forgery; but he went further, and thought that there were many other cases in which it was now improperly inflicted. He was very much inclined to doubt if any legislators or rulers had a right to take away life from an individual in any case of crime in which the life of the suffering or offended party had not been put in danger. Many writers of great and deserved celebrity had maintained this opinion. He trusted that the whole of the penal code would undergo a further consideration. He was convinced that secondary punishments might, in point of preventing crime, be made more efficacious as an example than death. Solitary confinement might be applied in a manner most effective to its object, whilst it might be deprived of those objections that had been urged against it. He could not conceive that any danger could arise from vesting a discretionary power in the visiting magistrates, or the governors of gaols, as to solitary confinement. There was no danger in giving a discretionary power to mitigate punishment; though there might be, and the Legislature could not be too cautious in granting it, in a power to inflict punishment. He stated this, because he had paid great attention to the subject, and he believed that the aversion to inflicting the punishment of death so frequently was strongly felt throughout the country. Excessive punishment defeated its own object, and in this case forgers were frequently allowed to escape, from the unwillingness of persons to prosecute the offence.

Petition to be printed.

TIMBER.] Mr. Douglas moved, that there be laid before the House a return of the Rates and amount of the Duties imposed by Acts of Parliament on British West-India produce imported into the British Colonies in North America, during the last year; distinguishing the various kinds of produce, &c.

Mr. *Warburton* expressed a wish to ask the right hon. Gentleman opposite, whether he was aware that in consequence of a defect in one of the clauses in the bill on the subject, Timber might be brought to this country from Memel, without paying the duty on foreign Timber, by being first carried to Halifax? He knew that that had been done last year. One or more cargoes of Baltic Timber had, to his knowledge, been imported in that manner into Ireland. By the 10th of George 4th, the Timber, the growth of other countries, might be imported from our Colonies on paying only the small duty imposed on Timber the growth of the Colonies. People had profited by this, and had actually sent cargoes of Timber from the Baltic to Nova Scotia, and had then imported it into this country at an advantage. The evil of this practice, as it affected the regular trader, was very great. The prime cost of Timber in the Baltic was 20*s*. a ton, the direct freight to this country 18*s*., the duty 55*s*., and other charges 15*s*., making altogether 98*s*. The double freight to Halifax in the first instance, and to this country in the second, 50*s*.; other charges amounted to 15*s*.; making, with the price of the Timber, only 85*s*.; so that Baltic Timber might be sent to Halifax, and then imported into this country, for 13*s*. a ton less than the rate at which it could be imported direct from the Baltic. He knew for certain that many vessels were at present preparing to sail for the Baltic, and thence with Timber to Halifax, for the purpose of bringing it to this country, and taking advantage of the defect in the bill. He begged to know whether in the bill which the right hon. Gentleman had given notice he would bring in, it was intended to remedy this defect. If not, the parties to whom he alluded would have a perfect right to take advantage of it. The right hon. Gentleman, however, ought now to state the course which he meant to pursue; otherwise, in the course of the next fortnight, most of the vessels which were preparing for the voyage would have left London, and their owners would certainly have a good claim to avail themselves of the law as it now stood.

Mr. *Herries* was glad that the hon. Gentleman had put the question to him, as it afforded him an opportunity of stating what were the intentions of Government on the subject. The hon. Member had described very correctly the defect in the clause of the existing bill, which enabled persons to import Baltic Timber circuitously through Halifax, at a less rate than, owing to the duty which had been imposed for the protection of Timber, the produce of our North American colonies, it could be imported directly from the Baltic. He should be disposed to say, however, that if the existing law were carried into complete execution, he very much doubted if the parties in question could make their venture so successful a one as they had made it, and as, according to the hon. Gentleman's statement, they contemplated making it. He had been asked a question by some of them with respect to one point on which the expectation of making a successful voyage hinged. That question was, whether it would be necessary that a ship should be unloaded at Halifax, and then of course reloaded before her departure for England? If the officers at Halifax did their duty in this respect, he had reason to believe that the expense attending on that operation would very much diminish the chance of any profit arising from the speculation. He now, however, gave notice, that in order to prevent the evasion of what was undoubtedly the intention of the Legislature, he would, immediately after the recess, introduce a bill to remedy the defect in the existing Act, and to prevent any advantage from being taken of it.

SALE OF BEER.] Mr. *Calcraft* said, that being Chairman of the Committee appointed to inquire into the state of the laws respecting the Retail Sale of Beer, it was his duty, by the direction of the Committee, to move for leave to bring in a Bill to extend the privilege of selling that article. As the committee had not made any Report, and as the evidence that had been taken was not before the House, it would be unfair if he entered into any matters of controversy upon the subject in its present stage; and therefore, with the desire of avoiding any immediate discussion he should, in as few words as possible, explain the nature of the measure which he had to propose. The principles of a free trade in Beer had been debated in that House, and it could not be denied, he thought, that the general sense of Parliament, and the almost unanimous wish of the country were in favour of throwing open the trade. With a view also to give a more complete effect to the recent repeal of the Beer duty, he felt that it would be necessary to carry the freedom of the trade to its utmost extent. What he had now to propose to the House, at the command of the committee of which he was the chairman, would be found clear, plain, intelligible, and effective to the establishing a free trade. The principle of the measure was, that any person in London who wished to have a license for the Sale of Beer should apply to the proper officer of Excise, and he would be entitled to a license on payment of the sum of two guineas. In the country the application should be made to the Supervisor, and the applicant would be entitled to his license upon his paying the same sum. Thus the House would see that the measure he had proposed would be the means of immediately carrying the freedom of the trade in Beer to the fullest extent. It was to be followed up by many regulations for the government of those who might be placed under this Act. Having steered clear of those houses which came under the provisions of the late Act brought into the House by Mr. Estcourt, the Committee had been careful to provide a number of regulations, to ensure a certain and effectual punishment, if regularity and decency were not preserved in the houses of those who took out licenses to sell Beer under this Act. He thought it better, under the circumstance of the evidence which had been taken before the committee not being yet printed, to avoid entering into any further detail. Perhaps it was necessary for him to state, that his only motive for bringing forward the Motion before the evidence was printed, and in the possession of hon. Members, was, that this was the last day before the Easter Recess; and the Members of that committee, as well as himself, were anxious that the Bill should be circulated through the country during that recess. All parties concerned in it ought to see it, and have full time to consider its principles and provisions before the second reading came on. By this means he should be able to ascertain what were the opinions of the country upon the subject, and to see what support the Members of that House would be inclined to give to the measure. He was fully impressed with the fact that the new principle introduced by the Bill was very important, with reference to the immensely large capital employed in the trade, and which was diffused so extensively throughout the country. He also felt that the Bill was scarcely less important with respect to its holding out to the poor and working classes of the community a chance of obtaining a better, a cheaper, and a more wholesome beverage than they had been as yet accustomed to drink. Under these circumstances, he trusted that the hon. Members present would not think of entering into any discussion of the Bill, for no good could arise from that in its present stage, and it would be premature, useless, and not altogether fair to the committee. The measure, he should observe, was not to extend to Ireland or Scotland; it was, in the first instance, to be limited in its operation to England and Wales. He should conclude by moving for leave to bring in a Bill to promote the general Sale of Beer by Retail.

Mr. *Charles Barclay* only wished to call the attention of the right hon. Gentleman to certain operations of the Bill, which he thought would render it incumbent upon him to modify it. The right hon. Gentleman would certainly have the opportunity of better considering the evidence during the recess; and if he went into it, and saw the very great and important interests alluded to in it, he hoped that he would be induced to modify the Bill very considerably. If any person without any limitations whatsoever, might be allowed to sell Beer by retail, anywhere and any how, without any restriction whatever—for the proposed licensing system would be no restriction—mischief and inconvenience would ensue, of which the right hon. Gentleman seemed to be little aware. He begged to be particularly understood as not speaking on the part of the London brewers, for he was ready to acknowledge, what indeed had already been acknowledged distinctly, that the benefits derived to the trade by the reduction of the duty upon Beer would amply compensate them for any loss they might sustain in their property in public-houses or otherwise. But waiving the consideration of the brewers, he must beg leave to point out to the right hon. Gentleman, and to the House and country, that there were two classes that would be most seriously injured by the proposed alteration of the long-established principles of the trade in Beer. He scarcely need say that he alluded, not to the great brewers in town, but to the country brewers all over England; and to that extremely numerous class of publicans, or licensed victuallers, who at present kept public-houses of their own. There were 50,000 persons of this description, of which 23,000 were in London. The greater part of these owned public-houses, and if this measure were to go through the House without alteration, it would destroy the greater part of the property belonging to these individuals. Many of these individuals were known to have mortgaged their property to others; and if this Bill were to pass without alteration, their property would be hardly worth more than what, in most instances, it was mortgaged for. This he thought would be a case of grievous hardship; for although it might be impossible to introduce alterations or reforms, without the sacrifice of some individual interests, such sacrifices ought never to be so extensive, general, and severe, as they would be in the present instance. He had attentively considered the subject, and had prepared a measure of relief which would prevent the evil he had pointed out, without interfering with the Bill introduced by the right hon. Gentleman. He had attempted to introduce his measure into the committee, but he was sorry to say without success; and if no other Member more capable than himself should propose it to the House, he should take the liberty of moving, that instruction should be given to the Committee on the Bill, that some relief be afforded to the classes in whose behalf he now felt it his duty to address the House. The relief which he contemplated would not in any respect interfere with the principle and the practical effects of the right hon. Gentleman's Bill, whilst the mischief it would do to numerous individuals would be alleviated or removed. He would repeat his conviction, that upon the whole the London brewers would be benefitted by this new measure; but he could not say so much for the brewers in the country, or for the very numerous owners of public-houses. He hoped that, after what he had said, the right hon. Gentleman, during the recess, would meet the case of these individuals, for the number of them, the property involved, and the extensive injury likely to be inflicted, rendered them well worthy of the most careful consideration.

Mr. *Charles Calvert* should defer his observations upon the Bill until the evidence taken before the Committee was duly before the House, but in the mean time he could not refrain from saying, that he could not agree with all that had fallen from his hon. friend who had just sat down. He felt that the brewers were so identified with the licensed victuallers of the metropolis, that any law which affected the one would, as a matter of inevitable necessity, affect the other. His hon. friend very well knew, and, indeed, it was notorious to everybody, that a very great capital was embarked by the great brewers of London withthe licensed victuallers, and he wished he could say that the Bill would be beneficial to the former, for if so, they could act with consideration towards others. He believed, unfortunately, that the Bill now introduced by the right hon. Gentleman opposite would prove more destructive to property on a large scale, and more diffusive of ruin to persons not very wealthy, than any measure which the House had ever adopted. The Bill, he was convinced, would cause the absolute ruin of the great body of victuallers, whilst it would destroy the property of the manufacturers of Beer. Did the right hon. Gentleman mean to say that his Bill would admit of no modifications; that his principles could not be carried into operation without effecting the ruin of such great and important interests, and of such very numerous classes? He had hoped that Ministers would have been content with trying one experiment at a time, and would have waited until they had seen the effects of taking off the duty upon Beer before they proceeded to such extensive innovations. He believed that taking off the Beer duty would prove highly beneficial to the public; but he was convinced that all the benefit from the Chancellor of the Exchequer's removing that tax, might have flowed to the public through the old channels without having recourse to the new. Why should legislation upon this subject be an anomaly to the general rule of Ministers, not to innovate with a rapidity that destroyed extensively the property of any class of the community? He wished that the right hon. Gentleman would attend to the evidence that had been given by Mr. Carr to the committee of 1818, That gentleman stated, that all the deleterious Beer consumed in London was brewed by the inferior brewers; and he had no doubt, that as soon as this Bill passed, the town would be inundated by a deluge of trash, which would barely be drinkable, and which would also be most destructive of the health of those who swallowed it.

Mr. *H. Drummond,* in the present stage of the proceedings, would only avail himself of the opportunity of saying, that whatever opinions might be entertained of the Bill, he was extremely glad that it was not the intention of his Majesty's Ministers to extend it to Scotland. He did not think that it was requisite to interfere with the system at present prevalent in Scotland, nor that it would be deemed expedient, upon any pretence, to introduce such a bill as the present ; for, in point of fact, the evil so much complained of in England—the monopoly of the Beer trade—had never existed in that part of the kingdom. Since he had risen he might be excused if he availed himself of the opportunity of briefly referring to a gross misrepresentation that had gone abroad respecting his conduct. It had been said, that he was the author of a bill which introduced into Scotland for the first time the evil of the English system of a monopoly of the Beer-trade. He denied that he was the author of any such measure. The Act he alluded to, the 9th of his present Majesty, gave magistrates a great power over brewers' certificates, the clause having been copied from the Act of 44 Geo. 3rd. The only alteration he had proposed was, to restrain the power of the magistrates, which, in the general opinion of the country, in which he fully agreed, had formerly been too unlimited. In making this declaration he was aware that he was speaking in the presence of many hon. Members who must have a recollection of all that had taken place, and would contradict him if he spoke erroneously.

Mr. *Cutlar Fergusson* said, he could not hear what had fallen from the hon. Member that had just addressed the House without rising to say, that he was aware of the facts to which the hon. Member had thought fit to allude, and he could have no hesitation in corroborating the statement which the hon. Member had made. He believed that the hon. Gentleman had proposed to restrain, not enlarge, the powers of the magistracy with respect to certificates.

Mr. *Stewart* intimated, that the Motion of the right hon. Gentleman was of such importance, that it ought not to be introduced in so thin a House, and he should avail himself of there not being forty Members present.

Sir *John Sebright* thought that the course proposed by the hon. Member who had spoken last was altogether unnecessary and objectionable, for the only effect of it would be, to compel the right hon. Gentleman to bring in the Bill on another evening. It was then introduced for the convenience of Members, that they might acquaint themselves with its provisions during the recess. For his part, he could say of himself conscientiously, and without fear of contradiction, that there was not an honourable Member in that House who could regret more forcibly than he did, that reforms and improvements should be effected at the expense of numerous individuals. It was, however, in this case unavoidable. He could not help saying, although he had not intended to take any part in the discussion, that the laws under which the great brewers alleged that they had invested their immense capitals were not laws made for the protection of their trade, or of any trade whatever. They were laws having trade neither for their principle nor object, but made solely for purposes of police. The great brewers of the metropolis had availed themselves of those laws to promote their own interests, finding that, although they were meant for the good government of the poor, and for the decency of society, they might be converted into instruments of profit. He did not mean to say that the brewers had not acted fairly—that they had been guilty of anything improper; but he did mean to assert, that having availed themselves of the state of the laws, they had no right to come down to the House and demand that the laws should be made perpetual. If these laws were bad, if they no longer suited the state of the country, if the feelings of the people were strongly and unanimously against them, they could not be perpetuated upon the plea that rescinding them would injure partial and temporary interests. He would not pretend to speak of the consequences of the present system in town; but would confine himself to its consequences in the country, which had fallen more particularly under his own observation. A house was built on speculation, of which the intrinsic value was not worth more than 10*l.* a year. A license was procured first, and its value rose immediately to 20*l.*, 30*l.*, 40*l.* or even 50*l.* a year. Now this rent was paid for by the consumers of the Beer. Any measure, therefore, which enabled the consumers to get rid of this extra payment for their Beer, must be to them an improvement. He would maintain that the existing system of licensing was an intolerable tax upon the community, and that the monopoly of the Beer-trade had been more oppressive to the lower orders in this country than any other that had ever been imposed upon them by the legislature. He highly approved of the objects of the Bill which the right hon. Gentleman had introduced. He congratulated the House and the country on the liberality with which the present Ministry went forward with the spirit of improvement that was now abroad; and which distinguished this Administration beyond every other which had preceded it. He owed it gratitude for its conduct, and hoped that its future measures would be conceived and executed in the same spirit as the past.

Mr. *Fowell Buxton* could not suffer what had fallen in the course of the discussion to pass unnoticed, particularly as allusions appeared to have been made to the sentiments he had uttered, and to the line of conduct which, upon this occasion, he had thought it his duty to pursue. In the first place, he must repel the insinuation, that in any stage of the proceeding, or upon any occasion, he had ever said anything, or pursued any course, that could induce anybody to conceive that he had adopted the monstrous notion that the law was intended for the benefit of the brewers. There could not be any doubt that the law was passed for the advantage of the public, as a means of preserving order and decency among the lower classes of the community. The brewers, in adapting their trade to the state of the law, had done nothing that was unfair, and nothing more than every tradesman did, and had a right to do. Having stated thus much, he could not be mistaken in asserting, that the great body of the brewers had met this important measure very fairly. They had candidly said, that according to their calculations, and according to the views they took of the subject, they thought that eventually they should be great gainers by the alterations of the law which Government was determined to carry into effect. Having acknowledged that they would ultimately be gainers to a certain extent, they had likewise asserted, of the truth of which they were convinced, that in the first operation and effect of this change of system, they would be not only losers, but very great losers. He could take upon himself to say, that some of the great brewers' in the first instance, might lose even 100,000*l.* although eventually they might be great gainers. In the course, therefore, that the brewers had pursued, he did not see that any blame could attach to them; but on the contrary, as far as he could judge for himself, or as far as he could ascertain from others, the conviction on his mind was, that under the circumstances in which they were placed, they had acted with candour and great fairness. If, however, the brewers were likely to get eventually an ample compensation for their immediate losses, he must be allowed to call to the recollection of the House that there was another class of persons—a very numerous and important class that would be very great sufferers, both immediately and eventually; for they had no prospect, in the common course of trade, of getting any compensation whatever: he thought that the case of the publicans did, in every point of view, deserve the most serious consideration of every Member in that House. The great principle was, to make the value of property and of capital invested in trades as stable as possible, and all legislative measures that effected a sudden fluctuation in the value of property were to be avoided as much as possible. If such measures were necessary for the public good, they ought to be effected with the least degree of individual sacrifice. Now he conceived, that without infringing upon the Bill which the Committee had thought proper to authorise the right hon. Gentleman opposite to introduce—without impugning its principle, or interfering with its details or operation, a remedy might very easily be provided for at least a part of the heavy and ruinous losses which would otherwise be sustained by the parties in whose behalf he was then speaking. Without infringing upon the principles and practice of free trade, in whatever sense the terms were taken—for they were construed in almost every sense—without in the least trespassing upon the theory of free trade, it would be easy, he thought, to adopt an amendment to the Bill introduced by the right hon. Member, under the direction of the committee, by which the interests of the publicans would, to a great degree, be protected. The amendment to which he alluded had been adverted to by several hon. Members by no means hostile to the intentions of the committee, but who wished to see the views of that committee carried into effect with as little of individual sacrifice as was compatible with the full operation of the intended new system. The amendment which he should propose was, not interfering in the slightest degree with the brewing or sale of Beer—that it should not be legal to permit the Beer to be consumed by the purchasers upon any part of the premises upon which it was sold. Might not a temporary enactment of that kind avoid the ruin of numerous individuals—prevent the evils of a rapid and sudden transition in the value of property, in the channels of trade, and in the course of established habits, among classes of people among whom habits were not easily changed with advantage to themselves or security to the public? He would beg leave to remind the House, that upon all occasions he had been a supporter of the doctrines of free trade; and he saw no inconsistency between that support and his wish to pass from the old system to the new at the smallest inconvenience to individuals, and at the smallest sacrifice of capital already directed into particular channels by long existing laws. If he had always voted for free trade when the capital and interests of others were deeply involved, he would not desert those principles, or be lukewarm in their support, when his own were concerned. But notwithstanding this, he would still say, that there was a very large body of people whose rights and interests had been overlooked in the present measure. The publicans throughout the United Kingdom had upwards of four millions sterling embarked in their trade. It was absurd to deny that they would be great sufferers by the alteration of the law, and that their sufferings would involve those of very many other classes. Such a part of the community ought not to be disregarded, because the capital he had mentioned was greatly diffused, or because specifically the publicans were not represented in that House. After much application to the subject, it was his opinion that all the good proposed by the present Bill would be effected, and all the evils with respect to the publicans would be alleviated, if the open sale of Beer were allowed to its fullest extent, but the consumption of it prohibited upon the premises where it was sold.

Mr. *Hume* said, that he did not intend to enter at any length into the merits of the Bill, or into the mode of introducing it, for future opportunities would present themselves for all such considerations. He merely intended to confine himself to a few observations which had fallen from the hon. Member on the Ministerial Bench (Mr. Home Drummond). That hon. Member had not, in the slightest degree, impugned the principles of the Bill, or found the slightest fault with any of its provisions. He evidently intended to support it without objection or amendment; and yet he had risen in his place to express his hope that it should not extend to Scotland. This was incomprehensible to him; and he was not a little surprised that hon. Members should venture to utter so much of what seemed to him incomprehensible. If this measure were good for England, he was not aware why it should not extend to Scotland; at least it was for the hon. Member to show some substantial reason why a measure, which he acknowledged to be good for one part of the kingdom, should not be applied to the other. He agreed with the hon. Member, that the evils felt in England under the existing law were not so severely felt in Scotland, although this arose from causes extraneous to the law, but still there was a great case of hardship in that country. The hon. Gentleman was perfectly right in his efforts to put the Magistrates of Scotland under some control, for they needed it; but it was more easy to convince him of this, than persuade him that any reason existed why a Bill, founded upon such sound general principles, and expected to be beneficial to England, should not extend over the whole United Kingdom. He acknowledged, almost to the full extent, all the evils that had been urged as consequent upon the present Bill; but he must remind the House, without losing sight of those who would sustain loss by the measure, that in all reforms from a bad to a good system, it seemed unavoidable that some individuals and classes of individuals should suffer. He must beg leave to say, that he had devoted as much of his time, and of his earnest attention, to the subject, as any Member; and after the most mature consideration of all its bearings, he was convinced that the course adopted by the right hon. Gentleman, at the direction of the committee, was the right course; and he hoped that nothing would interfere to stop the great work of improvement in which Ministers were engaged with such advantage to the public.

The *Chancellor of the Exchequer* said, that it was not the intention of Ministers to extend the Bill now proposed to Scotland. He regretted to say, that from the period of the Session, only one day had been given to draw up the Bill for England, and that consequently, a sufficient time had not been allowed to prepare the Bill for Scotland. The measure must, therefore, be tried in one part of the kingdom in the first instance; and if it were found beneficial, and to answer its intended objects, it might then be extended to the other.

Motion agreed to, Bill brought in and read a first time.

TOBACCO DUTIES.] The *Chancellor of the Exchequer* moved, that the Resolutions of the Committee on the Tobacco Duties Acts be agreed to.

Mr. *Warburton* wished to take that opportunity of stating, that he was decidedly opposed to the principle of the Bill. Its object was, to encourage the cultivation of an article which could not be cultivated without a bounty, or such a reduction of duty compared with the duty on the imported article, as was tantamount to a bounty. The right hon. Gentleman had stated that his efforts had been directed to place the Tobacco grown at home on the same footing as that which was imported. That appeared to him most absurd. The question was, could the English grower compete with the Virginian planter? The attempt was as absurd as the system adopted in

France, of forcing a production of sugar from beet-root by high bounties, when the nature of trade would, in spite of every opposition, revert to its natural channel. The argument that some parties had already invested capital in the cultivation of Tobacco, was of no weight; for they had done it at their own risk, and could not reasonably expect that an absurd law should be passed for their protection. If it were right to grant protection to the capital already embarked, how much stronger would be the claim to protection for capital embarked after the law was passed? He anticipated from the new regulations nothing but ruin to one large branch of Revenue and a consequent necessity for new taxes.

The *Chancellor of the Exchequer* said, the facts were somewhat different from the hon. Member's statement. He accused the measure of being a bounty on the growth of Tobacco, by the difference between the duty of 1*s.* 8*d.* on every pound of Tobacco grown in Ireland and the duty on Tobacco grown in America. But the fact was, that a considerable quantity of Tobacco was already grown in Ireland, which paid no duty whatever; and the measure then under discussion proposed to levy a duty of 1*s.* 8*d.* on that Tobacco as well as on all Tobacco grown at home. How such a proposition could be called a bounty or a bonus on growing Tobacco at home, was to him inconceivable. If the difference between the two rates of duty was a bonus, that must be much greater as long as no duty at all was imposed on Tobacco grown in Ireland. If there were any absurdity then in his proposition, it was only in as far as it approximated to the arguments of the hon. Member. The hon. Member thought the bonus was an evil—he meant to reduce it by the sum of 1*s.* 8*d.* per pound, and the hon. Member declared that the plan was absurd. He would not, however, then discuss the plan. The fact was, that in Ireland there was grown 750,000*l.* worth of Tobacco annually which paid no duty; and came into competition with that which paid a high duty: the object of the resolutions was, to make that Tobacco pay duty, and thus contribute to the Revenue in a due proportion to that Tobacco imported from abroad.

Mr. *Hume* was of opinion, that this measure gave a bounty to Tobacco grown in this country. He had no wish to impede its cultivation here, but it ought to pay a duty equal to the Tobacco imported from abroad. If one person imported Tobacco and paid 3*s.* per lb., and another grew it and paid only 1*s.* 8*d.*, there was a bounty given to the grower equal to the difference. He would recommend that the present growers of Tobacco should be allowed to carry on their operations for a year or two untaxed, with an understanding that, at the end of that time, they should pay a duty equal to that imposed on Tobacco imported. He was of opinion, that the Resolutions, if carried into effect, would lead to the cultivation of Tobacco to such an extent as to be injurious to the Revenue, and then the right hon. Gentleman would be obliged to prohibit it altogether—causing very great evil. If the Resolutions became a law, those who cultivated Tobacco under it would, however, be far better entitled to protection than the present cultivators of Tobacco in Ireland.

Mr. *Bright* was surprised to hear of the extent to which Tobacco was cultivated in Ireland, and under the circumstances of that country, when capital had been drove from its natural channels, it might perhaps be proper to give it the advantage which this measure would not confer but secure. At the same time, if Ireland were entitled to this indulgence—the colonies to the soil and climate of which the cultivation of Tobacco was congenial, had stronger claims to a similar boon. To the people of those colonies it would be a great advantage—and in their behalf he appealed to the House. He had before called its attention to the subject, but he thought it of such great importance, that he could not do otherwise than again press it on the consideration of the Government.

In answer to a question of Mr. Hume, the Chancellor of the Exchequer stated, that there were 500 acres of land under Tobacco cultivation in Ireland.

Mr. *Hume* then said, that he would rather agree at once to vote a sum of money to pay them than consent to this measure. He did not know what answer could be made to fishermen and manufacturers who claimed bounty and protection duties if this measure were passed. He considered that it involved a departure from those sound principles which had lately been professed by the Government; and he therefore hoped that the right hon. Gentleman would postpone the measure till after the holidays, when it might be fully and fairly discussed.

The *Chancellor of the Exchequer*, in the then state of the House, had no option—he was not his own master, and though he could not see what the hon. Member could gain by the postponement, he could not do otherwise than comply with his request.

Mr. *Hume* intimated, that he did not mean to avail himself of a thin House to enforce his own views, and he should have proposed the postponement though the right hon. Gentleman had been supported by his usual majorities.

Resolutions postponed till April 26th.

Adjourned till April 26th.

HOUSE OF LORDS,

Monday, April 26.

Minutes.] The Royal Assent was given by Commission to the East Retford Witnesses' Indemnity Bill, and several private Bills; the Lords Commissioners were, the Lord Chancellor, the Archbishop of Canterbury, and the Earl of Shaftesbury. The Four-per-Cents and the Haymarket Removal Bills were read a second time. Various Accounts were presented relative to the Trade of the Country, according to orders; as well as an Account of the Charges incurred by the East India Company at Canton.

Petitions Presented. For Opening the China Trade, by the Earl of Derby, from Preston:—By the Earl of Cassilis, from Ayr:—By Lord Napier, from Dumfries:—By the Earl of Harewood, from Kingston-upon-Hull:—By Lord Durham, from Newcastle-upon-Tyne, Sunderland, and Darlington:—

[The feeling of the petitioners, his Lordship said, pervaded all the manufacturing districts, but he apprehended Ministers meant to renew the Charter for the East-India Company.

Lord *Ellenborough* said, that nothing which had fallen from him, or any of his colleagues, could warrant such an inference.

Lord *Durham* was glad to hear the noble Lord say so.]

By the Earl of Eldon, from Haverfordwest, Montgomeryshire, and other places in Wales, against any alteration in the system of Welsh Judicature. By the Earl of Essex, from the Irish Mining Company and from the Inhabitants of Marrick, praying for a Bounty on the Export of Lead. By the Earl of Harewood, from Woolley, Wakefield, and other parts of Yorkshire, to have the Assizes removed to Wakefield:—By the Duke of Norfolk, with a similar prayer from several places in Yorkshire. By the same noble Peer, from Sheffield, against the employment of Climbing Boys. By the Duke of Beaufort, from certain Magistrates of Gloucester, against the Truck System:—By Lord Melville, from the Freeholders of the County of Edinburgh, against the imposition of the additional Duty of 1*s.* a Gallon on Home-made Spirits. And by the Earl of Rosslyn, from the Medical Society of Edinburgh, for facilitating the Study of Anatomy.

Increased Duty on Spirits.] The Earl of *Malmesbury* moved for Returns of the quantity of Home-made Spirits, as well as Rum, on which duty had been paid for the four years previous and subsequent to the 5th of April, 1826. His object was to show what had been the effect of the measure of 1825, and the impolicy of the proposed augmentation of duty; and that if it were necessary to give a bonus to the West-Indian interests (whose depression he much regretted), it ought to be given upon some other article than rum. Why not help their sugar-market in preference? He had every desire to restrict Spirit-drinking, and increase the sale of beer; but he thought the duty should be either laid on rum at the same time with corn-made Spirits, or not exclusively imposed upon the latter. The agriculturists would be seriously affected if the new duty were persevered in, and the distillers would be ruined.

Lord *Holland* said, that the West-Indian interests were severely depressed; but the noble Lord was in error when he supposed that the West-Indian proprietors had called for this new duty on corn Spirits, or indeed would benefit much from it.

The Earl of *Malmesbury* was glad to have this statement from the noble Lord, because, as these new duties were not called for by the owners of rum, they ought not to be imposed upon corn Spirits. In his opinion, the measure would not augment the Revenue.

The Returns ordered.

Pensions to Converted Priests.] The Earl of *Mountcashel* presented a Petition from the Rev. James Patrick Kenney, who had once been a Roman Catholic Priest, but had since become a Protestant. The petitioner stated, that he knew a number of priests of his former communion, who would abjure the errors of their church, provided they were allowed some means of subsistence. A Catholic priest became, upon conversion, *ipso facto*, a clergyman of the Church of England, and ought, as indeed the old law authorized, to have some provision assigned to him.

The Earl of *Limerick* reprobated in the strongest terms any pecuniary encouragement for converts, or the buying men over from one religion to another: sure he was, that the class of converts hitherto obtained in this manner were a good riddance for the one church, and a disgrace to the other.

The Earl of *Mountcashel* said, that the allowance, by the Act of Anne, was only 30*l.* a year—a sum too insignificant to be a bribe for such a purpose.

Lord *Holland* apprehended this petition could not be received—it prayed for a grant of money. Noble Lords might, if they pleased, give advowsons to converts of this kind, where they had such patronage, but he would not consent to give them public money.

The Earl of *Rosslyn* said, that the petition was quite irregular. It was an application for public money, and made in an informal manner.

The Earl of *Mountcashel* withdrew the petition. He gave notice, that on Tuesday week he would present the Cork Petition for a Reform of the Established Church, and on the same day submit a motion corresponding with the views of the petitioners.

The Marquis of *Londonderry* wished to know from the noble Earl whether he meant to confine his motion to the Church of Ireland?

The Earl of *Mountcashel* replied, that he did not: he meant it to include England as well as Ireland.

East Retford Disfranchisement.] The Marquis of *Salisbury* moved the order of the day for the second reading of the East Retford Disfranchisement Bill; and also that counsel and witnesses be called in.

Lord *Durham* said, that the debate ought to precede the examination of witnesses.

The Marquis of *Salisbury* said, the usual course was to hear the witnesses before the second reading.

The Earl of *Rosslyn* concurred in this opinion, and counsel and witnesses were called in.

[Mr. Law, Mr. Adam, Mr. Alderson, and Mr. Stevenson, appeared as counsel at the Bar, and Richard Hannam was examined respecting his knowledge of the malpractices of the electors for the borough.]

Lord *Durham* objected to the course of proceeding. No impropriety, as far as he could see by the examination which the case had already undergone in another place, could be charged against the present electors, but that they had suffered themselves to be treated; but that was the fault of the candidates. There were, he believed, but few Members of the House of Commons who had stood a contested election against whom the charge of treating might not be brought. He had been obliged, when he contested the county of Durham at an expense of 25,000*l.* to treat the freeholders. As this was the heaviest charge against the present electors, he should move, that counsel for the Bill be instructed to confine themselves to the cases of imputed bribery and corruption at the last general election. It appeared that the electors had then conducted themselves honourably and honestly; it would be wrong, therefore, to punish them for the crime of their ancestors.

The Marquis of *Salisbury* maintained that it should be left to the discretion of counsel themselves, to decide on the course of proceeding which they might consider it most judicious to adopt with regard to the examination of witnesses.

The Earl of *Malmesbury* said, that the merits of the case consisted in what took place at the last election, and therefore the corruption on that occasion ought to be proved first.

Lord *Holland* thought, that they ought not to interfere with counsel. The most natural mode, he conceived, would be to commence with the rise of corruption in the borough, before they examined into any occurrences which had happened at subsequent elections, but that was a point for counsel to consider, who had the cause to manage, and not for their Lordships to control.

The House then divided: Content 12; Not content 23—Majority 11 against Lord Durham's Motion.

[The examination of Richard Hannam was about to be proceeded with, when the House, on the Motion of the Marquis of Salisbury, adjourned.]

HOUSE OF COMMONS,

Monday, April 26.

Minutes.] Henry Charles Sturt, Esq. Member for Dorchester, Henry Hope, Esq. for East Looe, Lord George Beresford for the County of Waterford, George Bankes, Esq. for Corfe Castle, and Daniel Callaghan, Esq. for the City of Cork, took the Oaths and their Seats. The Navy Pay Regulation and Consolidation Bill, the Leather Duties Repeal Bill, the Marriages Validity Bill, and the Malt Duties Bill, were read a second time. A Bill was brought in to Repeal the 55 Geo. III. c. 49, for procuring the Return of Persons Committed, Tried, and Convicted of Criminal Offences—the object of the Repeal Bill being to simplify the mode of making these Returns.

Returns laid on the Table. Average Price of Timber at each of the Royal Forests not supplied to the Dock Yards, and of Bark. The Number of original Causes, Pleas, and Demurrers, exceptions and further directions set down for hearing before the Lord Chancellor, the Vice-Chancellor, and the Master of the Rolls. Exchequer Bills held by the Bank of England; Copy of its Contract with the City of London for a Loan to complete London Bridge; and distributions amongst the Proprietors of it, in addition to the ordinary Dividend. Dates of the Entry into the Navy of Robert Crosbie, James Hope, and Hugh Goold; of their Promotion to be Lieutenants; and the length of their Services. Various Accounts relative to Trade, to the Crown Lands, and Exchequer Informations:—By Mr. Secretary Peel, Account of the Diplomatic and Consular Expenses.

Returns ordered. On the Motion of Mr. Brougham, of the Number of Causes in the Court of Chancery standing for hearing when the Great Seal was in Commission, from June, 1791, to February, 1792, and the Number of Causes decided by the Commissioners:—On the Motion of Mr. Wm. O'Brien, of the Number of Persons who have Emigrated from the United Kingdom to any of the Colonies of Great Britain in each Year since 1820, distinguishing the Colonies, and the Sexes and Ages of the Emigrants:—On the Motion of Lord F. L. Gower, the Nineteenth Report of the Commissioners to inquire into the Temporal and Ecclesiastical Courts (Ireland).

Petitions Presented, By Mr. Mundy, from the Inhabitants of Derby, against Protestants in the Service of the Crown being compelled to attend the idolatrous Services of the Roman Catholic and Greek Church. Praying for the Abolition of the Punishment of Death in Cases of Forgery, by Mr. Cripps, from the Inhabitants of Cirencester:—By Mr. Hart Davis, from the Inhabitants of Axbridge:—By Lord Althorp, from Kettering, Northamptonshire:—By Mr. Ward, from the Ward of Bishopsgate:—By Lord John Russell, from the Inhabitants of Bluntisham-cum-Earith, Huntingdonshire:—By Mr. Heathcote, from Boston, Lincolnshire:—

[The petitioners, the hon. Member stated, were not visionaries, but practical men. It was signed by the bankers of the place.]

By Mr. Rumbold, from the Inhabitants of Great Yarmouth:—By Colonel Davies, from Worcester:—

[It was signed by almost all the bankers, and he cordially concurred with its prayer.]

From the Magistrates, Merchants, Bankers, and Inhabitants of Plymouth, by Sir T. B. Martin:—From those of Exeter, by Mr. Bucke:—From Uxbridge, St. Mary, Newington, and the Congregation of China-terrace Chapel, Lambeth, by Mr. Alderman Wood:—From the Minister and Congregation of Beresford-street Chapel, Walworth, by Mr. Alderman Wood:—By Lord Stanley, from Bolton, Lancashire. Against the practice of paying Wages in Goods, by Lord George Somerset, from the Working Colliers of Monmouth; from the Inhabitants of Trevethen; and from Joseph Davis, in the County of Monmouth. Against the alterations in the Duties on Tobacco, by Mr. Ward, from Tobacco Manufacturers of London. By Mr. O'Connell, from Aghado, Ballimakenny, and Munster Boy, against the Irish Vestry Act:—By Mr. Slaney, from 130 Inhabitants of the Skinners' Estate, in the Parish of St. Pancras, against a clause in the general Lighting and Watching of Parishes Bill:—By Mr. Robinson, from certain Commissioners of the Skinners' Estate, with the same prayer. By Mr. Denison, from the Journeymen Paper-makers of the County of Surrey, complaining of Distress and the general employment of Machinery. By Lord F. L. Gower, from the Fish-curers of Wick, Scotland, praying for a continuance of the Bounties now paid upon the curing of Salt-fish. Against the Sale of Beer Bill, by Mr. Mundy, from Licensed Victuallers in Ilkeston (Derbyshire):—By Sir T. B. Martin, from the Licensed Victuallers of Plymouth and its neighbourhood. For the Opening of the China-trade, by Sir George Murray, from the Incorporated Trades of Perth, and from the Inhabitants of the Cape of Good Hope:—By Mr. Kennedy, from the Merchant Company of Ayr and the Incorporated Trades of Ayr:—By Mr. Littleton, from the Inhabitants of Stoke and Fenton (Staffordshire):—By Lord G. Somerset, from Ponty-pool:—By Mr. Denison, from Sunderland:—By Lord Morpeth, from Eccleshall, Bolton, and Pudsey, in the County of York. By Mr. Huskisson, from the Merchants and West India Planters of Liverpool, complaining of Distress, and praying for a reduction of the Duties on Sugar and Rum. By Mr. Slaney, from the Ministers and Churchwardens of the Parish of Walthamstow, and from those of Whitchurch, in favour of the Poor-law Amendment Bill:—By Mr. Dowdeswell, from Tewkesbury:—And by Mr. Trant, from Dover, with the same prayer.

Tobacco.] Mr. *Hart Davies* presented a Petition from the Merchants, manufacturers, and Dealers in Tobacco in Bristol, against the measure for imposing so small a duty as 1*s*. 8*d*. per pound upon home-grown Tobacco. The petitioners stated that the expense of cultivation had been over-rated, and was not such as to entitle the home-grown Tobacco to the protection this low rate of duty would afford it, and they prayed that it should be made liable to the same duty as Foreign Tobacco.

Mr. *H. Grattan* observed, that the statement of the petitioners, as to the small expense of cultivating Tobacco at home, could be only attributed to their ignorance on the subject. The expense of cultivation was very great, and he knew himself an instance where the expense of cultivating one acre of Tobacco, in the county of Wicklow, amounted to 70*l*. If the proposed measure of the Chancellor of the Exchequer should pass into a law, it would be fraught with greater injury to Ireland than any measure that had been enacted these fifty years. That cultivation, at present, afforded considerable employment to the peasantry of Ireland, and to talk of exporting the Irish peasantry because they wanted employment, while employment was to be taken from them by taxation, was a legislative absurdity. The greatest excitement prevailed on the subject in Ireland, and he hoped the Chancellor of the Exchequer would not think of carrying into execution a measure fraught with ruin to that country.

Petition laid on the Table.

Mr. *G. Moore*, in presenting a Petition from the cultivators of Tobacco, residing in the town of Enniscorthy (county of Wexford), praying that no duty might be levied on Tobacco grown in Ireland, and signed by nearly 100 gentlemen of respectability observed, that he had felt it his duty to make inquiries into the subject of growing Tobacco in Ireland, and he had not met with a single person who was not convinced that the amount of duty was such as would amount to a total prohibition of the cultivation. The petitioners stated, that they were ready to bring forward evidence to prove this point, and they observed, that to prohibit that cultivation would be very injurious to Ireland, for it employed a great number of persons, particularly young persons, for whom, otherwise, no employment could be found. Another fact, of considerable importance, was, that since the cultivation of Tobacco in Ireland, smuggling Tobacco, which formerly existed in the county of Wexford to a great extent, had entirely ceased, and it was to be apprehended that a duty would revive that demoralizing practice. He was also prepared to contend, that such a duty as would amount to the prohibition of the cultivation of Tobacco would be contrary to the Act of Union, which prohibited the levying any duties on the produce of Ireland, but such as were just and reasonable. The petitioners prayed that the House would not legislate on the subject without examining witnesses, whose experience concerning the growth of Tobacco would enable them to give the House satisfactory information.

Mr. *O'Connell* supported the prayer of the Petition, and declared that the duty would annihilate the cultivation of Tobacco in Ireland.

Petition to be Printed.

Death for Forgery.] Mr. N. Calvert presented a Petition from the Bankers, Traders, and other inhabitants of Royston, praying for the abolition of the punishment of death in cases of Forgery.

Mr. *Brougham* would take the opportunity to express his satisfaction at seeing the number of petitions coming in from such quarters for the mitigation of the severity of the forgery laws. It was most gratifying to observe, that those persons who had formerly thought it their interest to oppose any such measure, and more particularly the traders and dealers in a paper currency, were now becoming generally favourable to it. The bankers throughout the country were reviewing their former opinions, and getting gradually rid of the prejudice which had hitherto induced them to suppose that the punishment of death, in cases of forgery, afforded security and support to the credit of a paper currency. He had, within the last week, occasion to look through a very extensive correspondence upon the subject, from various parts of the country, and from persons situated as he had described, and he should soon have to present several petitions from bankers and traders, in which they express their conviction that the continuance of the punishment of death for forgery was injurious instead of beneficial to their interests: he should have to present petitions signed by the most respectable bankers and traders, in which they call upon the House to pause before it passed a bill, allowing the punishment of death to remain for certain cases of forgery; and they assign as a reason, that the severity of the law, instead of preventing forgery and protecting paper securities, tends to promote the crime, by preventing punishment, and thereby affording indemnity to the offenders. They did not go upon any abstract principle of religion, or upon any view of humanity; they came forward as practical men, to object to the continuance of a punishment which they found to be injurious to their trade and interests. He wished to know whether the right hon. Gentleman opposite would have any objection to a postponement of the discussion upon the principle of his bill for some time longer, so as to afford an opportunity for the presentation of the various petitions which were in progress to that House upon the subject. The bill might be read a second time without discussion, upon the understanding that the discussion should be had in another stage of the bill, and in that way no unnecessary delay would occur.

Mr. Secretary *Peel* had no objection to the proposition of the hon. and learned Member. The discussion, as he proposed, might be taken in the committee; he wished, however, then to remark, that in proposing to reduce the number of cases to which the punishment of death should be applied, his bill did not go to create any new capital punishment. The principle of his bill was a consolidation of the criminal law with regard to forgery. For the convenience of hon. Members, he should not object to a postponement of the discussion upon the bill for a fortnight, but certainly not to a more distant period. The bill might now be read a second time, and the discussion would take place in committee upon the clause for retaining the punishment of death in certain cases of forgery.

Sir *James Macintosh* had no objection to that arrangement, on the understanding that no Member was pledged to the principle of the bill by not opposing the second reading of it.

Mr. *C. N. Pallmer* presented a Petition from Kingston-upon-Thames; he said it prayed a revision of that part of the criminal law which inflicted capital punishment with respect to property. He stated that the petition was signed, not only by the magistracy, but a long list of the more respectable bankers and persons engaged in trade in the place. He rejoiced to have it in his power cordially to support the prayer of this petition, against laws which were ineffectual for their object, while they were hurtful to the feelings, and disgraceful to the character of the country. He was most happy to see an intelligent and weighty class of the community come forward, when those laws which had long been the objects of the silent horror of all Christian and enlightened minds were about to be submitted to Parliament for re-adoption as part of the code of the country.

MADRAS REGISTRAR'S BILL.] Mr. *Astell* presented a Petition from the East-India Company against the Madras Registrar's Bill. The petitioners complained that the principle of the Bill was most unjust, and they prayed to be heard by counsel against it. The hon. Member moved that the petitioners be heard by counsel at the Bar against the second reading of the Bill.

Sir *J. Macintosh* would not oppose the Motion for the petitioners being heard against the Bill, but he merely rose to say, that this was a case of great hardship, in which a gentleman of advanced age and reduced fortune had been for thirteen years a suitor in the Court of the Directors, and in that House, for redress, on account of losses which he had suffered in consequence of the malversation of one of their public officers in India. At the same time, he could not recall to mind without great pain, the share which he had in creating that delay, and he should not willingly consent to postpone the Bill any further, so as to cut away the probability of it being passed during this year. In every thing short of that delay, he should be most happy to consult the convenience of the hon. Member who had just spoken. He candidly confessed that he wished to have this Bill sent up to the Lords before that period when a general massacre of all bills was committed by their Lordships on account of the old age of the Session. He had first thought of postponing the discussion of the Bill till Wednesday next, but he had discovered, by diligent research, that there were another set of gentlemen, besides his Majesty's Ministers, who dined together every Wednesday, and who had quite as much objection to having their festivities interrupted by the calls of business. He did not intend to quarrel with their weekly festivities, as he understood that they had a tendency to harmonize minds sometimes brought into collision by the preceding occurrences of the week, and to lead them to a more serious performance of duties, too important to be neglected, by dissipating the tedium which occasionally arose during its continuance. He repeated that he had first thought of postponing the Bill till Wednesday next, but in consequence of what had fallen from the hon. Member, he would fix Wednesday se'nnight for its discussion, subject to this understanding—that if it were possible to obtain on another day time for its discussion, which he did not conceive would last two or three hours, he would take it then.

Mr. *Astell* wondered how the right hon. and learned Gentleman could reconcile it to himself to fix his bill for Wednesday se'nnight, after the strong and unanswerable reasons which he had given for not bringing it on at all on a Wednesday.

Motion agreed to, and the second reading of the Bill appointed for Wednesday, May 5th.

WATCHING, &c. PARISHES BILL.] Mr. *Portman*, on moving that this Bill be read a second time, said, that he wished to have it sent to a committee up stairs, in order to have the machinery of it properly regulated. He wished, also, to exempt from its operation the metropolis, the different parishes adjoining the metropolis, and all those parishes, in different parts of the country, which had the benefit of local acts for the same object.

The Bill read a second time, and committed to a Select Committee.

POOR-LAWS AMENDMENT BILL.] On the Motion of Mr. Slaney, the House resolved itself into a Committee on the Poor-Laws Amendment Bill. Mr. R. Colborne in the Chair. On putting a clause enacting that children whose parents are unable to support them may be provided for by parishes in places to be appointed, Sir *Thomas Baring* objected to this clause, stating, that it involved a question of the utmost importance, and which required the most serious consideration. He never remembered any similar clause in any former enactment, and he was afraid the Members were not aware of its import. Such a proposition had indeed been agitated in former committees, but never sanctioned, he believed, by a recommendation from them. It was one to which he never did and never would consent. It authorised the parish overseers to take away their children from the poor, and provide for them, and educate them. Good God! was it not enough that these people were poor? must the legislature also deprive them of their children? The great mass of the labouring classes were already too much degraded; and to take away their offspring from them would cut asunder all the ties which yet bound them to good behaviour, and connected them with the rest of the world. The clause was, in his opinion, so objectionable, so likely to be destructive of all good feelings in the poor, that he was bound to oppose it.

Mr. *Robert Gordon* said, that he took shame to himself that he had not before made himself acquainted with the Bill. He had only read it after he had entered the House, and he must say, that he never remembered so improper an instance of legislative interference. The hon. Member who brought in the bill assumed that the poor married because they knew that their children would be provided for. He did not believe that assumption to be well founded; but if it were, he took the readiest method to encourage them to do so, for he expressly declared by this clause, that their children should be educated and provided for, though separated from themselves. The clause was not only objectionable on the score of cruelty, it was also impolitic, and would not answer the only end for which it was proposed. He should most certainly object to that clause, and unless it were omitted, he should oppose the Bill altogether.

Mr. *Cripps* said, no person who was at all acquainted with the country, and with the habits and manners of the people, could support such a clause. The Gentleman who had introduced it could not, he was persuaded, know anything of the people he attempted to legislate for. He believed that it would promote early marriages, and make the people utterly regardless of their children. At present they did take some little care of them, and how they might provide for them was a consideration with many before they married; but if the clause were carried, they would be deprived of every motive, both for abstaining from marriage, and for taking care of their offspring. It was impossible that such a clause as that could be allowed to remain in the Bill.

Lord *Althorp* only wished to explain to the Committee how the clause was introduced into the Bill. The committee which sat up stairs to make inquiries into the state of the poor, had been informed by several persons who were examined—which was indeed a well-known matter of fact—that a great many of the poor were so very badly off, that they could not provide for their own children; they were brought up therefore at the expense of the parish, either at their own homes, or in the parish workhouse. Being neglected, therefore, receiving little or no education, these children when they grew up came, in their turn, to be the parents of beings as destitute as themselves. They, therefore, perpetuated the evil of pauperism, and it was supposed by the committee, that one means, and which appeared to the committee a feasible, a proper, and, he would add, a humane means of checking that evil would be, to take the children of such parents as were quite unable to provide for them, and by educating them, raise them above the miserable condition of their parents. This was the view of the committee; in this, he must say, he saw nothing cruel, nothing deserving the censure of hon. Members. It should be always remembered that the clause applied only to those children whose parents were quite unable to provide for them.

Mr. *Wilmot Horton* expressed his satisfaction that a clause of the kind under consideration had been introduced into the Bill, because it involved that great principle of population which the House must sooner or later be called on to take into consideration. He was very much obliged to his hon. friend for having introduced the clause. The question the House would have to consider would be, the relation between the capital of the country and its population; between the means of employment, and the number of labourers, with a view of making them equal, and keeping one from outgrowing the other. At present it was admitted, that the demand for labour was not equal to the supply—that the supply was in fact excessive—that population was superabundant; and it was also admitted, that as long as that superabundance continued, all the means which could be invented for improving the condition of the poor would be only palliatives, which would probably in the end render the disease more virulent. He did not know that the particular clause was otherwise worthy the attention of the House, except as it involved this great principle, but involving that, and leading the House, compelling it, in fact, to look at the source of the evil, he would give it his support. He hoped the Bill would pass.

Mr. *Frankland Lewis* said, he thought Gentlemen who objected to this clause on the score of inhumanity, and who stated that it was unexampled in legislature—who, like the hon. member for Cricklade, had taken the Bill into his hands for the first time that evening, must be quite unacquainted with the fact, that the House had actually passed a bill with this clause in it, or one precisely similar in principle, in 1816. That bill was lost in another place. He did not mean, however, to state that the House, having before given its consent to such a measure, was then bound to support this clause. In fact, he could not vote for it, and he would state why: he knew that by the 43rd of Elizabeth, the overseers had the power of setting an able-bodied pauper to work, but they could not set his infant children to work; and as they were bound to give the means of supporting the children, they gave it to the father, being unable to give it to the children, so that for the maintenance of his children, though not on his own account, he did in fact obtain the money. To obviate this, it was proposed to establish institutions where pauper children were to be fed, and clothed, and educated; but he thought such a system could never be effected, because it broke through all those ties that nature imposed. It had been said, indeed, that the children of the rich were thus separated from their parents; but every one must perceive the difference between the master of an institution where the children were on principle taught to look to others than their natural protectors, and those nurses and schoolmasters whom the rich employed to bring up their children, and whose interest was most closely connected with the welfare and good condition of the children intrusted to their management. He utterly despaired of the success of any such establishment, though no one entertained a more decided conviction than he did, that the present system of Poor-laws was fraught with destruction to property. The system of retarding the increase of population was recommended, and he thought with some reason, as he especially believed, that it could not be better put into operation than when the labouring classes were not overwhelmed with active and pressing distress. The other system—that of encouraging the increase of the population—had been the favourite scheme in Mr. Pitt's time, and it was only in late years that the people had been informed that the procreation of children, without the means of supporting them, was a great evil and a great offence. He thought the best thing to adopt in the administration of the Poor-laws, would be to diminish the power of magistrates in granting relief. The reason why the Poor-laws were not so mischievously overwhelming in Scotland as in England was, that their administration was in the hands of those who provided the rates. It was from the opposite system that the payment of wages out of the rates had arisen. The interference of magistrates with the relief of the poor was only a recent practice, and at first intended to act as a check upon the expenditure of the rates; but it turned out that they were the worst instruments that could have been employed, for they confirmed and extended the evils. In his opinion, the owners of small cottages, who built them on speculation, and not the occupier, ought to be charged with the rates; they obtained the rent of these cottages from the rates. The fact was proved by a case mentioned before the Emigration Committee, from which it appeared, that the owners of these cottages were persons, who, having the management of the rates, let out the cottages to paupers, and took the amount of the rent from the sums allotted for the support of their pauper tenants. The witness who stated this fact was asked, what would happen if funds were provided to clear the parish of paupers, and he answered, that the owners would pull down the cottages, as they would not suffer the paupers of other parishes to inhabit them. Large manufacturers, who had the management of the rates, and who possessed cottages of this description, filled their manufactories with apprentices, and they furnished the means of filling the cottages with paupers. He said, that the remedy for this was to charge the landlord with rates for these cottages. He recommended the hon. Member to consider these various matters, and to revise his Bill, some of the parts of which he was willing to support.

Mr. *Wodehouse* thought that the clause for separating the children from their parents, never could be carried into effect; and if it could, it would be productive of more harm than good.

Mr. *Benett*, having acted as a magistrate in a large district for thirty years, begged to deny some of the statements that had just been made. With respect to the plan of bringing back the Poor-laws to the state in which they were in the reign of Elizabeth, he should approve of it if it were practicable; but he feared it was not, for the state of the country was much changed since that time. We were then an agricultural people, having no surplus labourers; now we were a manufacturing people, working by machinery, and having a large surplus population; and we were thus reduced to straits, from which we knew not how to escape, but by a better administration of the present system. An hon. Member had called some of the payments now made an assignment of wages out of the Poor-rates: he denied it. The value of labour was regulated by the proportion of the supply to the demand, and no law of this description could alter it. A pauper with several children could not support himself upon 8*s*. per week, and if he received only that sum in wages, he required 8*s*. more from the parish, to support him and his family. The hon. Member charged the giving of such a sum to a working labourer as a grievous fault committed by the magistrates of the South and West of England, and said that the parish allowance was given in aid of wages. No magistrates could compel the farmer to give a higher rate of wages to his labourer than was required by the state of the market for labour. If that were not sufficient to support the labourer, the parish was obliged to give something for the maintenance of his children, which it must support in some way or other. He did not think that there was, properly speaking, so much a superabundance of labour as a want of demand for it, arising from circumstances to which he would not further allude. But as to the payment of money to a labourer whose wages were insufficient to maintain him, he believed that custom had so established that mode of relief, that we could not now depart from it. It would be useless, as some imagined, to employ such paupers in unproductive labour to the amount of the money given them; and it would be better for all, that the labourers should be employed in productive labour, especially as the agriculturists were the class who contributed most to the Poor-rates. He did not approve of the plan of sending men abroad, for he believed that would only produce a re-action on the population. He did not think the present Bill practicable at this moment; but he believed that great good might be attained by giving a stimulus to agriculture, and by taking off those obstacles that now existed to the cultivation of waste lands. He did not agree to the plan of rating the owners instead of the occupiers of small tenements. He knew several men of property—and could name them if he pleased—who had received money from the Poor-rates under a bad system of administration; and in such men there would be no check if poorer men had no interest in keeping down the amount of the rates. He therefore thought that the occupiers of tenements, whom he had generally found punctual in their attendance at vestries, ought to pay the rates, and then they would have an interest in keeping them down. Besides, he saw no reason why small proprietors should be liable to pay rates for their cottages, when the occupiers and not the owners of large houses and extensive properties paid the rates. On the whole, though he approved of the principle of the measure, he was obliged to dissent from many of its details.

Mr. *Courtenay* was willing to assent to the Bill, provided it were accompanied with the clause recommended by the right hon. member for Ashburton (Mr. Sturges Bourne). That clause, a few years ago, had been brought forward in the shape of a separate measure, and the object of it was, to provide, instead of giving paupers increased wages when their families amounted to a certain number, that some of their children, if not wholly taken from them, should at least be supported and educated by the parish. The clause suggested did not necessarily require the separation of the parents from their children;

and he thought, that not merely paupers, but persons above that rank, would consider it a boon to have their families thus taught, fed, and clothed. Supposing, however, that they were separated, the hardship, for such an object, would not be great; and many parents in this metropolis, who had sons at Christ's Hospital were content to make the sacrifice of their children's society in order that they might be well educated. The intention of the separate measure to which he had alluded was, to return as nearly as possible to the letter of the 43rd of Elizabeth, which provided for setting to work children whose parents were not able to support them; and he conceived, without the clause under discussion, which was precisely similar to the principal enactment of the measure he had alluded to, the remedial part of the present Bill would be useless. It was his opinion, that the measure never could come effectually into operation without the clause, but with it, he was willing that the experiment of raising the wages of the poor should be tried. At the same time he was convinced, that the hon. Mover would be disappointed in his hopes on this part of the subject. Although he supported the Bill, he heartily joined with the hon. Baronet in a determination not to abandon the industrious poor and their families.

Mr. *W. Horton* was anxious to preserve a moral check upon the poor man, in order to prevent his marrying until he was in a situation to maintain a family. At present, if a labourer married, he knew that his children must be supported by the parish, if he could not support them himself. The principle of separating parents and children had been adopted in a clause already approved by the Committee, so that, if it were now objected to successfully, the Bill must be re-committed, in order to remedy the discrepancy. The Bill did not at all deprive the pauper of relief; it only declared that the relief should be given entirely as the parish thought fit, and not partly in a weekly allowance in money, and partly in educating and feeding his children. He was anxious that the Bill should be made prospective, and if it were rendered so he should give it his decided support.

Mr. *Benett* observed, that as the law now stood, it allowed the separation of paupers and their children, for the purpose of being apprenticed by the parish; but that was quite a different thing to separating them for the purposes of board and education.

Mr. *Slaney* said, that if he thought the effect of his Bill would be to depress instead of elevating the character of the poor of this country, he would abandon it at once and instantly. He had read every report of every committee, and every work of reputation on the subject, and founding himself upon them, he had brought forward this Bill, in the hope of remedying acknowledged and existing abuses. After investigating all parts of the question, the committee, of which he had the honour to be Chairman, had come to the almost unanimous determination, that it was necessary to face the evil and to point out a remedy. That remedy was the Bill before the House, and he had proceeded cautiously, but steadily and firmly, in endeavouring to bring it into operation. The abuses of the Poor-laws were not, as some supposed, general; they were confined very much to the south of England, for in the North they were very beneficial in their operation. In the last Session an objection had been taken by the right hon. member for Ashburton (Mr. S. Bourne), and in order to obviate that objection, certain clauses were introduced, not recommended by the committee; but on the authority of the right hon. Chairman of the Committee of 1817, who had published one of the most valuable reports ever laid upon the Table of Parliament. The object of the present Bill was, to restore some parts of the south of England to the present condition of the North, as related to the maintenance of the poor. The magistrates of the south, in the teeth of the law, and acting upon a mistaken notion of humanity and benevolence, had apportioned the relief of the poor by the price of bread, and this principle had been introduced into about sixteen or seventeen counties. The effect had been in all those situations to degrade the poor, and to render them indifferent and dependent, while in the north of England, where no such practice prevailed, they were still independent, honest, and industrious. All that he asked was, that by this Bill a wholesome uniformity might, in this respect, be established. The hon. member for Radnor (Mr. F. Lewis) had contended, indeed, that the admitted evil was so extensive, that no remedy could be applied to it; but he (Mr. Slaney) hoped that this measure, if adopted, would accomplish the change without injury or violence. By its provisions nothing was taken from the pauper. He had still his right to relief, but the form of that relief was changed. Instead of money, he was provided with work to earn it; and his children, instead of being neglected, were to be fed, clothed, and educated. He trusted that the House would at least permit the Bill to go through the present stage. The existing law took away all reason for forethought, as respected the marriages of the labouring classes, who argued thus—"If we cannot maintain our families, the rates must." Of course this feeling led to improvident marriages, to an enormous increase of the population, and to a depression of wages, with a correspondent augmentation of the poor-rates. He was happy to add, that he had received letters from various parts of the country, where attempts had been made to retrace steps hastily taken, stating, that the system had been revised, and that a beneficial change was already apparent. The hon. member for Wilts (Mr. Benett) had said, that the present was the worst time that could have been chosen for bringing in such a bill; but surely that hon. Gentleman's experience must have taught him that no course could be worse calculated to do permanent good than to resort to measures only when they were rendered necessary by the urgency of temporary pressure. The Bill had already been two years under consideration; and if adopted, it would gradually but effectually draw a broad line of distinction between labourers who married because they knew their children must be supported by the parish, and those who married with a fair prospect of being able to provide for their increasing families. He had not heard a single argument to weaken his confidence in the Bill; and he trusted that the House would not hastily and inconsiderately reject what had been founded upon the mature deliberations of no less than five different committees.

Mr. *Cripps* gave the hon. Member credit for the ability and perseverance he had shown upon this subject, although he was convinced that it would be impossible to carry the Bill into effect, even if it were passed. He maintained that in Gloucestershire the magistrates had no choice but to regulate the degree of relief by the price of bread. No comparison could fairly be instituted between the South and the North of England, inasmuch as the population in the one was much less dense than in the other. He resided in a very populous county, and had means of considerable information with reference to the object of the Bill. He had given the question much attention, and the result of that was, that no enactment would be required if the 43rd of Elizabeth were acted up to. Here was a case in which they had a large body of manufacturers to provide for, who were thrown out of employment; and what could be done for them, except to afford them a parish allowance? Though making these observations, he begged not to be understood as objecting to the whole of the Bill; he wished to see the Bill divided into parts, and he should have no objection to support the latter part of it. He thought that if they went no further than to fix the rent at 10*l.*, and made the owners of all houses let at a less sum than that, and not the occupiers, pay the rates, all would be effected that could be wished. He should be sorry to see the whole of the Bill negatived, or at least he should regret to see the latter part entirely abandoned.

Mr. Secretary *Peel* said, he was sorry that there had not been a preliminary discussion—that they had not discussed the principle of the Bill before they went into committee upon it. At present, instead of paying all that attention to the clauses which it was the practice of the House to pay in committees, they had occupied themselves chiefly with discussing the principle of the Bill; thus reversing the usual course of business, by leaving to the third reading the arrangement of the clauses, and occupying the time of the Committee with that which ought to be done at the third reading. He wished, therefore, that the hon. Mover would endeavour, in the Committee, to render the Bill as perfect as possible according to his own conception, and then let it take its fate on the third reading. The hon. Gentleman had expressed his readiness to do all in his power to meet the views of Members, and so to frame or alter the Bill as to obtain general support: in doing so, he more indulged his own good nature than did what was calculated to promote the success of the Bill. He really thought that the object of the hon. Member would be best effected by making the Bill as perfect as possible, according to his own conception, and not by endeavouring to accommodate it to the fancies of every hon. Member. Though he saw much matter for serious consideration in the Bill before the Committee, yet he should be far from throwing any obstacles in the way of its passing through that stage; and he should be extremely sorry to say anything that could prejudice it on the third reading; but he must be allowed to say, that he doubted whether the hon. Member could accomplish what he had in view—namely, making the condition of the South resemble that of the North, by the introduction for a time, of an intermediate system not now in use in either. No one could doubt, that the hon. Member's object was a very laudable one; and wishing, as he did, every success to the hon. Member, still he entertained doubts with respect to the propriety of some of the details of the measure before them. He thought, in fact, that by this measure the hon. Member would introduce into the South a plan which did not exist in the North. The manner in which the reception, care, and education of children were provided for in this Bill was unknown in the North. He had his doubts with respect to the propriety of the power given by this Bill, of separating the children from their parents. In cases where the parents were persons of profligate character, the separation might be advantageous; but where the parish had provided houses for the reception of children, he was afraid this power of separating children from their parents would be exercised indiscriminately, and that the overseer would make no difference between the careless and profligate, and the industrious and affectionate parent. Overbearing necessity might justify this power of separation; but at the first blush of the question, and as a general measure, he was decidedly opposed to it. In some cases it would doubtless be consulting the morality and the interests of the children to separate them from their parents; but there were many cases in which he should be extremely sorry to see such a power exercised. He doubted, also, if it would not prove an expensive system, and he therefore entreated the Committee well to consider that point before they proceeded further with the Bill. He understood it as conferring certain powers upon the parish officers, until the practice of the South should be assimilated to that of the North—it gave them a power of founding a school, in which they could place all children on whose behalf parochial relief was demanded, from the age of seven to fourteen, and fixed it entitely under the management of the parish officers. Whenever relief was asked for any child from the parish, he was perfectly ready to admit that from that moment the parish officers were entitled to interfere with its daily education, namely, with the education which they might receive at a day school; but beyond that, he much questioned the expediency of interference. He had had some experience on this subject in Ireland, in respect of an establishment which undertook not alone to provide for the education, but for the clothing and employment of the children committed to its care; and he must confess, that the result of that experience was by no means favourable to the practice. One of the difficulties which it presented was this, that when the children attained the age of fourteen, the managers knew not what to do with them. They might have twenty, thirty, forty children at the age of fourteen, who had received a better education, perhaps, than might have qualified them for situations merely servile; and from that, and other causes, the conductors of Charter-schools—the establishments to which he particularly alluded—had great difficulties to contend against. Those conductors stood in the place of parents, and the parents and friends of the children had a right to say, you are responsible, and not we, and to you we look for putting forward in the world those young persons, now at the age of fourteen or fifteen, of whom you have assumed the care. Then, again, another objection to the Bill was, that it conferred upon Churchwardens and Overseers powers which they would be very likely to exceed. To establish such a school as was contemplated by the Bill, invested the Churchwardens and Overseers with the power of appointing masters and mistresses, and attendants, and so conferred upon them a certain amount of patronage; for the persons employed must, of necessity, get some stipends, more or less. To such an enactment, he confessed, he could not help feeling considerable objection. This Bill would confer upon Churchwardens and Overseers the power of taking leases, making purchases, building or fitting up houses—surely such powers, were open to abuse. For these reasons, then, he thought that the Committee ought to pause before they agreed to all the clauses of the Bill. He begged not to be understood as urging these observations as objections to the

Bill; he only aimed at suggesting topics which he thought were deserving of serious consideration.

Mr. *Wilmot Horton* thought that many of the objections to the Bill would be obviated, if it were distinctly understood that its regulations were to be prospective. It was proposed to fill up the blank in the clause then under discussion with the words "four years," thus giving to the Overseers and Churchwardens the power objected to only over the offspring of the parties who might marry four years after the Bill was passed.

Sir *T. Baring* said, that the hon. Member proposed to effect two objects by this Bill,—the one was, to raise the character of the pauper, the other to diminish the poor-rates. He thought the Bill calculated to effect neither of these objects. Was it raising the character of the pauper to insist that every man, himself and his family, should be maintained wholly by the parish if he came for relief at all? And could it be supposed that the very expensive machinery of this Bill would diminish the parish rates? He thought the Bill would degrade the pauper still farther, and increase the poor-rates.

Mr. *C. Wood* said, that the Bill had been very much mistaken; and that, far from inflicting any hardship, it conferred a boon upon the poor. He looked upon it in a very different light from the hon. Baronet. By the law as it stood, the overseer might take the child of a pauper when it was nine years old and put it out as an apprentice; and all which this Bill did was to allow the overseers to take the child at an earlier period, making it, by education, more fit for the purpose of being bound to some trade.

Sir *T. Fremantle* said, that the Bill did no more than make that practice legal which was at present carried on every day without law. The practice, it was said, also, would be inconvenient; but in fact it was now done without any inconvenience. In many parts of the country, as he knew the paupers were employed in gravel-pits, or at any suitable work for the joint benefit of those who were obliged to support them, and they received sufficient wages. He did not see any difference between such cases and what the hon. Member proposed to accomplish by his Bill. On the whole, he thought that the measure would be beneficial to the paupers, and though there might be some difficulties in carrying it into execution, they were not insurmountable.

Mr. *Estcourt* gave the hon. Member who brought in the Bill every credit for his meritorious exertions, but he thought the hon. Member was legislating on effects, not on causes. The practice prevailing in the north might be a very good practice there, but it might be a very bad one for the south, unless the conditions of the two were the same. The hon. Member appeared to him to have lost sight of one thing: there was a manufacture at one time in the south, which was removed afterwards into the north. At that time the population of the north was small, that of the south was large. The population of the north, it was true, had increased, but so also had the manufacture; while in the south, the manufacture was lost, and the large population remained to be provided for. Under such circumstances, what could be done but to get the farmers to employ as many as they could, and make those who contributed to the rates provide for the rest. He agreed that this system had a tendency to lower the rate of wages, but what else could be done? Many other circumstances too, such as the intervention of a person between the labourer and his employer, and the law of settlement, had been overlooked by the hon. Member. He did not think the plan would answer the object proposed, and he was afraid it would entail a great increase of expense on parishes. He therefore must oppose it.

Mr. *Slaney* said, that the hon. Member who spoke last had made out a strong case in favour of the Bill, by admitting that the law was deviated from in the south, and by admitting also the injurious effects of such deviation. Wherever the practice prevailed against which the Bill was directed the poor were ill off, and where it was not found they were well off. As to the manufacture which the hon. Member said had been transferred from the south to the north; what manufacture, he would ask, had Sussex ever had? And yet Sussex was lowest in the scale. What manufacture had Kent ever had? Wiltshire, it was true, had once a manufacture, but the fact was, that the mischiefs were the greatest in districts which were, and ever had been, merely agricultural districts. Thus in the county of Sussex, exclusively an agricultural county, young men of eighteen or twenty made no scruple of marrying, and were applying for relief for their first children; and his Bill would give effectual relief by checking improvident marriages. He thanked the right hon. Secretary of State for the candid manner in which he had spoken of this Bill; and he was glad that the objections of the right hon. Gentleman were confined to one particular clause, and did not go to the principle of the measure. That clause had not been originally intended to form part of the bill, but had been adopted from another Bill, rather in the expectation of receiving the support of some hon. Members than from any very strong predilection for the clause. He would remind the right hon. Gentleman, however, that this clause was only of a temporary nature, for the persons it applied to would be gradually passing away. The right hon. Gentleman objected to the taking away children from their parents; but in fact, the measure made very little alteration in the present law in that respect. By the law at present the overseers may take the children of paupers, when nine years old, and put them to work, and afterwards put them out as apprentices. The present clause only accelerated the time at which they might be taken, fixing the period at seven years of age, with this additional difference,—that instead of being sent to work they were to be sent to school. In other respects he was glad the right hon. Gentleman admitted the principle of the Bill. His object was now to make it as perfect as he could, and he was sanguine in his expectation of being able to carry it through the House this Session. He did not hope to see it carried into a law at present, but he was anxious that it should go up for discussion to the other House; for his determination was, to persevere and bring it before Parliament from time to time, until his object should be effected.

Mr. Secretary *Peel* said, the hon. Member was too hasty in supposing that he agreed with him in all the clauses of the Bill, because he did not object to them at present. He was anxious, however, to reserve any expression of opinion until he saw how the hon. Member proposed to carry his plan into effect, and he therefore hoped the Bill would go to a third reading.

Mr. *Benett* said, one reason for the increase of the poor-rates in the south and west of England was, that manufactures of flannel and woollen had been all removed to the north. He thought, however, that the poor-rates were not an evil, and that the return of prosperity would replace them in the same condition as before.

Some verbal amendments being made on the clause empowering overseers to take the children of paupers, and Sir T. Baring having expressed his determination to oppose it altogether, the Committee divided, when there appeared: For the clause 9; Against it 91—Majority 82. The other clauses were agreed to; the Report was brought up, and ordered to be taken into further consideration on Monday.

GALWAY FRANCHISE BILL COMMITTEE.] Mr. *S. Rice* moved the order of the day for the House to resolve itself into a Committee of the whole House on the above Bill.

Mr. *Daly* opposed the Motion, upon the grounds that the House had agreed to hear counsel against the Bill, and he had that evening, at eight o'clock, received a letter from Mr. Adam, the counsel, stating that he was unable to attend.

Mr. *S. Rice* pressed the Motion. He thought, in the first place, whatever inconvenience it might be to a counsel to attend at the Bar, that should not be held as a sufficient reason for stopping the progress of a public bill; and secondly, he thought the case was not one in which counsel should be heard at all, because there was only one petition opposed to the prayers of a great number. He farther contended, that when the whole Bar of England was open to a man's choice, he had only himself to blame if he were left in any difficulty by the absence of a single person. He, for one, would move, "that the Speaker leave the Chair."

Mr. *Daly* produced the letter, and declared he was not to blame. He saw Mr. Adam after receiving that intimation, and he had repeated the contents of that communication to him.

Mr. *S. Rice* observed, that Mr. Adam had been in the House of Lords that evening.

Sir *G. Hill* observed, it had been decided by the House, that counsel should be heard. The question then to be considered was, if the absence of Mr. Adam was sufficient to authorize a postponement.

Mr. *S. Rice* remarked, that counsel might equally well be heard on the report, or on the third reading. He thought that since this postponement would give the hon. Member a chance of checking the progress of the Bill for the entire Session, the House ought not to assent to it: for one he would not consent to the delay. He had certainly introduced the Bill, but, unlike the hon. Member, he was not personally interested in it.

Mr. *Daly* asked if the hon. member for Limerick would say that Mr. Adam did speak in the House of Lords that night?

Mr. *W. Wynn* thought they should not postpone the consideration of a public measure upon the simple assertion that it would be inconvenient for a counsel to attend. The principle would be highly injurious, as there was no public bill which might not be stopped if such excuses were suffered to prevail.

Mr. Secretary *Peel* said, he apprehended that the petition was not opposed to the principle, but to certain clauses of the Bill; and he thought his hon. friend was not liable to the slightest blame. He had, at a late hour that very evening, received a letter from the counsel, stating that his state of health was such that he could not attend. And what was he then to do? He could not get another at that time, although he might certainly have previously chosen from the whole Bar of England. He considered that the hon. member for Limerick had a right to call upon the House to proceed with the Bill after such a manner as would prevent the possibility of any obstacles being thrown in its way that might have the effect of checking its progress for the Session, and he accordingly believed it would be well if his hon. friend acquiesced in permitting the Bill to go through this stage, upon the understanding that counsel should be heard upon the report; so that if a sufficiently strong case against any of the clauses were made out, his hon. friend might have the opportunity of moving the recommittal of the Bill, and thus be placed in the same situation in which he now stood. He would therefore submit, that the Bill should now be suffered to go on, upon the understanding that counsel should be heard on Wednesday next, when the Report might be brought up.

Mr. *S. Rice* observed, that the petition was against the principle; he did not, accordingly, see how the Bill could be recommitted. He, however, was willing to agree to the arrangement.

Mr. Daly having expressed his satisfaction in the arrangement, the Bill was passed through a Committee, and the Report ordered to be received on Wednesday; counsel to be heard against it.

DESERTED CHILDREN (IRELAND) BILL.] Lord *F. L. Gower* rose to move the second reading of this Bill. He explained that it was his intention to remodel the Bill, so as to confine it to the first of the two objects it proposed to embrace, namely—a provision for Deserted Children, and an abolition of the Foundling Hospital. The other point, which was a favourite one with himself, he proposed for the present to abandon; and this he did the more readily, because there was a committee then sitting above stairs, which would, in all probability, take the subject into consideration, and make some suggestion respecting it. He trusted, therefore, that as he had divided this Bill under separate heads, he might have it now read a second time without opposition. He acknowledged that there would be great difficulties in the way of this second division of the Bill, which referred to illegitimate children, and therefore he had proposed it for further consideration.

Mr. *O'Connell* observed, great difficulties would arise in the details. Children might be transferred from one part of the country to another, and a species of parochial questions would arise as to whether they had been properly abandoned or no. He thought it might, perhaps, be better if the entire subject was to lie over for farther consideration. He would not, however, oppose the second reading.

Bill read a second time.

USURY LAWS BILL.] Mr. *Poulett Thomson* wished to postpone the discussion on the second reading of this Bill; but the sense of the House was evidently against it. The hon. Member then proceeded to say, that in the present Bill he had endeavoured to meet the objections which had been made to the measure he had introduced last Session. These objections were directed to two points; namely, that in borrowing upon the security of real property, great inconvenience arose from persons tying themselves down to the payment of a rate of interest from which they were never afterwards able to relieve themselves; and secondly, that young men of good expectations were in the danger of casting themselves into difficulties for their whole lives, to meet the exigencies of a moment. Now, in his Bill, he proposed to meet both these evils; for, in the first place, he proposed to give as much facility as possible for the discounting of bills, and obtaining loans of money, while, in the next place, he wished that nothing except legal interest should be recoverable in a court of law. But as he did not anticipate any objection to the principle of the measure, he would not trouble the House at greater length on that occasion, but would merely move the second reading of the Bill.

Mr. *Heathcote* declared, that nothing should induce him to relax in his exertions to prevent the Bill from passing into a law. Even the reservations in the Bill were more injurious than would be the abolition of the Usury Laws altogether. His hon. friend proposed to exempt mortgages from the operation of the Bill. If money were lent on mortgage for more than five per cent, the borrower might bring the case into a court of law, and the lender could not recover more than five per cent. But of what advantage would that be to the borrower? For although the lender could not recover more than five per cent, he might recall the mortgage. Was the present a proper moment at which to bring forward such a proposition? If any interest in the country were at the present moment in a prosperous state, it was the monied interest. The low price of every article, the change that had taken place in the currency, had all been favourable to the capitalist, yet at such a time his hon. friend proposed to allow the capitalist to take what might be considered as unlimited interest. If it were true that the time for such a change was inexpedient as respected the state of the monied interest, it was still more true, that it was inexpedient as respected the state of the agricultural interest; oppressed as that interest was with want of confidence, and with other difficulties, which his hon. friend's Bill must tend to enhance. All bills of this description had hitherto had an unfortunate termination; and he would venture to prophesy that this measure would share the fate of its predecessors. As he was persuaded that the sooner it was got rid of the better, he should certainly divide the House upon the present Motion.

Mr. *Gordon* regretted that his hon. friend the member for Wareham, under whose banner he had so frequently fought, in opposition to bills of a similar nature which had formerly been proposed by an hon. and learned Serjeant, and who had invariably shown himself one of the most able and persevering opponents of those bills, had not spoken on the present occasion. Besides the old objections which applied to the Bill under the consideration of the House, there was the additional one, that it sanctioned a little treachery—a little fraud. A borrower might deceive a lender by offering ten or fifteen per cent, while there was no legal obligation upon him to pay more than five. This was an inducement to fraud. He hoped his hon. friend, the member for Wareham, would state his sentiments on the Bill; and trusted that it would eventually be thrown out.

Mr. *Calcraft* did not intend to trouble the House on the present occasion, but, as his hon. friend had called upon him, he had no hesitation in saying, that he maintained the same opinions upon the subject as he had formerly held. He had been induced to believe that the Bill of the hon. member for Dover was somewhat different in its provisions from the bill of the learned Serjeant. The hon. Member said, that the Bill would not affect mortgages, but in this he did not concur. He could not agree with him, that it would leave them in the same state in which it found them; since it legalized the loan of money at a higher rate of interest than five per cent. But he objected on general grounds to so great a change in the money system of this country. There already existed, he thought, sufficient anxiety and want of confidence in all money transactions; and the effect of suddenly changing the law concerning them would be to add considerably to the difficulties of every class in the country except that class which laboured under no difficulty at all. If his hon. friend had not called upon him he should not have troubled the House upon the question, as he had not read the Bill, and had not conceived that it tended to make so great an alteration in the money system of the country as he now found. He should therefore oppose the second reading, and continue to pursue the same course as formerly, which, though it might be called the result of ignorance, he should persevere in, until some new light should be thrown on the question, and induce him to change his opinion.

Mr. *Robinson* maintained that the present system operated most injuriously on large classes of commercial and trading men. At the time when the existing laws were passed, there were reasons why money should not bear a higher interest than five per cent. Capital was at that period less abundant than it was at present; for it was a great mistake to suppose that capital was not at present abundant, not only in this country, but over the whole world. Under such circumstances, was it not a great hardship that both lenders and borrowers should be limited in their transactions? It was a great mistake to suppose that means were not at present resorted to, such as annuities and others, by which money was borrowed and lent at a rate greater than that which the law allowed. His hon. friend's Bill would do away with all the evils into which borrowers were driven by the absurd existing regulations. Having said so much in favour of the principle of the Bill, he must add, that he was decidedly adverse to that clause in it which, having allowed parties to borrow and lend at a greater rate than five per cent, held out a temptation to the borrower to go into a court of law for the purpose of violating his contract.

Lord *Althorp* was of opinion, that if the Usury Laws were to be changed, there could be no more convenient time for the alteration than the present. As to the fraud which it was said the Bill would sanction, it should be remembered that the same means of fraud existed at present, nay greater; for if a party borrowing money at usurious interest brought the party lending into a court of law, he could refuse not only to pay the interest, but the principal also. He did not believe that the repeal of the Usury Laws would be disadvantageous to the landed interest; as it would not subject them to pay more for money than they did at present. He should support the Bill, as he had done all others of a similar description.

Sir *C. Wetherell* was not surprised that the Bill should be supported by the laity; but should have been exceedingly surprised if any lawyer had supported a measure which contained so gross an inconsistency as a repeal of the Usury Laws, while it preserved a clause, which allowed a contract to be made for unlimited interest, but permitted the borrower to bring the contract into a court of law for the purpose of having it repudiated and disallowed. The Bill contained another clause, which was scarcely less absurd; namely, that whenever more than five per cent had been voluntarily paid, it could never be got back. What was voluntary payment? Suppose money had been obtained by action or arrest, was that voluntary payment? How very rarely had any evil resulted from the present laws? If an adequate substitute could be found for them he would not object to it; but he had not yet met with any such substitute. The repeated discussions which had taken place on the subject had, in his mind, established the utter impossibility of looking at money as at other articles of trade, and of letting its possessor do what he chose with it. That was a principle disclaimed both by the ancient and by the modern world. It was a principle which no writer of character had ever maintained. He was convinced that if the hon. Gentleman's Bill were agreed to, it would render the landed interest an easy prey to the capitalists.

Mr. *O'Connell* rose, in answer to the assertion of the hon. and learned Gentleman that no lawyer would be found to support the Bill. His only objection to it was, that it did not go far enough; he wished to see the Usury Laws abolished entirely. All attempts to put a maximum price upon any commodity—and money was a commodity—were absurd. Laws of that description could not be executed; they had never been executed. He had known instances in Ireland in which annuities of fourteen, fifteen, or eighteen per cent had been granted for money, when, if there had been no violation of the law, eight or nine per cent would have been the utmost that would have been given for it. The hon. and learned Gentleman had stated that the cases of persons suffering from the law as it at present stood was extremely rare. He, however, could not agree to that, for he had known many cases of persons in Ireland who, by taking more than the legal rate of interest, had lost the principal, and in one particular instance he knew of a family having been ruined by such a circumstance. The law, as proposed by the hon. member for Dover, at least secured the principal. The only possible loss would be the additional bonus. But this was said to prove the absurdity of the proposition.

He could see no absurdity in it. Its principle was to do away with the penalty of the Usury Laws, while it left the legal sanction to paying five per cent at least. Another mischief that arose from the present state of the Usury Laws was, that they tempted juries to strain their conscience, and, in a manner, gave an incitement to perjury. The Bill now proposed would amend this, and it would, at the same time, be the means of affording a higher value to the characters of individuals, as the facility of borrowing money would greatly depend upon that.—The only fault that he had to find with the measure was, that it did not go far enough.

The *Solicitor General* said, he had never been an advocate for the total repeal of the Usury Laws; but now, on further consideration, he doubted whether they ought not to be altogether repealed. At all events, however, they needed alteration; and then the question was, what that alteration ought to be. He agreed with the noble Lord, that if ever there was a happy moment for the alteration, the present was that moment, the interest on money being not above two per cent. To allow men to ask twenty when they would be obliged to lend at two, did not certainly appear to be a very great evil. With regard to mortgages, parties generally undertook to pay legal interest, and generally were enabled to borrow money at that rate, the evasions which occurred being only exceptions to the general rule. If, therefore, they should have a law, making the legal interest recoverable in a court of justice upon such contracts five per cent, the great majority of mortgages in this country would still be effected at that interest. If the House were not prepared to do that, and the matter were left open, the interest would be generally taken at the market price. The great evil of the Usury Laws was felt in times of pressure: and he must admit, that it fell heaviest upon those whom they were intended to favour. With these sentiments he should not divide against the Bill, though he did not think that it was one which would ever pass into a law. The learned member for Clare had adverted to that which had been long felt as an injurious consequence of the present Usury Laws—the cutting down of contracts which, perhaps, had been drawn up under the direction of the best lawyers, and where it was afterwards discovered that the interest taken was illegal. It was not, however, necessary to repeal the Usury Laws, in order to get over this inconvenience. He was decidedly opposed to a total repeal of the Usury Laws, but he would rather that a total repeal of these laws should take place than that the principle of the present Bill should be adopted. It appeared to him to be quite an anomaly. It was a Bill to enable a party to do something which he could not afterwards enforce by law. If they did any thing, they should at least bring it within legal reason, and therefore they ought to make up their minds whether they would repeal wholly, or only in part. Another disadvantage of the present Bill was, that it held out an inducement to persons to be careless as to what interest they promised, as they would think that it would always be in their power to resist the payment of any higher rate than that of five per cent. If there were to be a rate of interest fixed, they ought to meet that question firmly at once, for then parties would know what they were about. It could not be concealed that this Bill was, in point of fact, an indirect repeal of the Usury Laws; for as it was to enable the lender to take what rate of interest he pleased, the operation of that would be, that the borrower would pay whatever rate the lender required till he was ready to pay off the money advanced—the effect of which would be, that the loan would stop as soon as the excessive interest stopped. The moment the borrower said, he would give no higher rate of interest than the law would enforce the payment of, the lender would demand his money. On the whole, he was ready to admit that an alteration was required in the Usury Laws; but he disapproved of the present Bill.

The *Attorney General* said, that he thought this Bill should fix a certain rate of interest for some transactions, by which a jury could be guided in their verdicts when such cases came before them; the Bill should, for instance, fix a rate of interest, say four, or five, or six per cent, where no specific contract had been made, as in the case of a bill of exchange, which, it is always supposed will be paid, up to the last day, when, if not paid, interest commences upon it. That rate of interest should be specified by the law. He, from the first time he had considered the subject, had always been an advocate for the repeal of the Usury Laws, and he never could see any reason why the legislature should affix a rate upon the loan of money more than upon that of lands or houses. The letting of a farm was but the loan of it, and why should the Legislature affix a certain rate upon the loan of 100*l.*, and not upon the loan of 100 acres? If the law were such that a man could not let his house for more than 50*l.*, though it might be worth more, would not that be considered a great hardship? And why should such a principle be applied to the loan of money, which was but a commodity, that was felt to be so manifestly unjust when applied to other commodities? The consequence of such an interference was, that the difference was always made up in the shape of premium; besides which, the system of borrowing money on annuity effectually counteracted the law as it now stood. The Legislature could no more prevent persons from paying the market rate of interest, whatever it might be, than it could prevent a fluctuation in the value of land or houses. If the legal rate were fixed higher than the market rate, the law would be a nullity; if it were fixed lower, it would be continually evaded, and the borrower being the necessitous person, would have to pay the price, or the insurance against the risk of the evasion. Thus the law would add to the hardships of borrowers, who were to be benefitted and protected by it. If the law went a step further, and enacted that no man should borrow on annuities levied on land, beyond the legal rate of interest, whenever that was lower than the market rate, owners of landed property would be unable to borrow at all. That might, by some persons, be thought advantageous; but he believed the gentlemen of England would not like to put such a restriction on their own power. Bankers, by discounting bills, might lend money at any rate of interest, and if the landed gentlemen could not borrow on mortgage, and on annuity, at the market rate of interest, they would frequently be obliged to have recourse to the practice of giving, and renewing bills, which would be found more ruinous than any other method of obtaining a supply of money. Such a state of the law would be injurious to the landed interest, and, as he conceived that it was expedient to alter the present law, he should vote for the second reading of the Bill.

The House then divided. For the second reading 50; Against it 21:—Majority 29.

SUPERANNUATION ALLOWANCES.] The *Chancellor of the Exchequer*, in rising to move for a Select Committee on this subject, said, that this mode appeared to him to be the best and most unobjectionable one of providing for the old servants of the public. Till this system was adopted, they were either obliged to employ incompetent persons, or to keep back a portion of the salaries of persons as they came into office: but these modes he thought very objectionable. At all events, the appointment of a committee on the subject was very desirable, as in that case the circumstances would be looked into by those who were best able to judge of the matter, and who would propose to the House such alterations as were best calculated to prove beneficial. After the failure of the bill of the Session before last, which he had submitted to the House, the Government could do no more, till it found a spirit of economy reviving among hon. Members, and a disposition to allow the Government to carry into effect the recommendations of the Finance Committee. The Government had done all that was in its power. It had made a deduction from the salaries of all persons appointed since that recommendation, in order to form a superannuation fund. His object, therefore, in going into the committee would be, to inquire into what ought to be done in regard to those offices and salaries already in existence, and which were held before the recommendation. With a view to regulate those offices which might be hereafter created, or those appointments which might be hereafter made, he had a bill prepared, which he did not mean however to bring in till after the Committee had examined the subject. The Committee would then have the opportunity of examining the whole subject, and, according to its report, some permanent system of legislation might be established. It was not becoming the Legislature, to go on year after year, making new regulations on such a subject. It was due both to the public and individuals, that the whole matter should be regulated on some general principle. It was not right to enact a law one Session and repeal it the next; and it would be equally beneficial to the public and just to the individuals, to settle the principles on which every man entering the service hereafter should receive his salary and his superannuation. He ought not merely to know its amount, but also the principles on which his remuneration was to be determined. He would not enter further into the subject, but submit his Motion to the House. The right hon. Gentleman concluded by moving that a Select Committee be appointed "to inquire into the regulations under which Superannuations in the Civil Service, and Half-pay and retired Allowances are granted, and to consider what alterations might be made consistently with a due regard to the just claims of individuals, and the benefit of the Public Service."

Mr. *Robert Gordon* said, he never was more surprised in his life than he was at hearing the Motion of the right hon. Gentleman. The House would probably do him the justice to recollect that he had, a short time before, brought forward a Motion on this subject, founded on the admitted fact, that a half-pay officer, on accepting a civil situation, was obliged to give up his half-pay; while an officer on full pay, on accepting such a situation, was allowed to retain all his emoluments. He had then mentioned several instances of the latter, and he had proposed, as an equitable rule, that officers on full pay should be subject to the same restrictions as officers on half-pay. He had withdrawn that motion in consequence of the right hon. member for Liverpool suggesting, that the whole subject ought to undergo inquiry and revision, and that if nobody else undertook the matter, that right hon. Gentleman stated that he would himself bring it before the House. He wanted to know, then, why the question of officers on full pay accepting civil situations was not included in the Motion of the Chancellor of the Exchequer: and he was unfeignedly surprised that it was not included. Now finding, contrary to his just expectations, that it was not noticed at all, contrary too he thought, to the promise given by the right hon. member for Liverpool, he wished to ask the right hon. Gentleman, if he would allow him to move an instruction to the committee, to extend its inquiries into the conditions on which officers on full pay, accepting civil situations, should receive their emoluments. He hoped the Chancellor of the Exchequer would permit him to move that the committee be instructed to inquire into the expediency of persons in the Military and Naval service, when appointed to civil situations, continuing to receive their full pay. No fairer opportunity could offer of entering into such an inquiry. The right hon. Gentleman and his colleagues would never convince the public that they meant to practise economy unless they began with themselves. The public, indeed, would look with much suspicion on a plan for reducing the allowance to poor clerks and half-pay lieutenants, while the whole salaries of General officers were untouched, and while some of those General officers, being in the full enjoyment of those salaries, having governorships, and other sinecure appointments, also united in their own persons the possession of a civil office, with a salary of 4,000*l.* or 5,000*l.* a year. It would be said, perhaps, that his proposition had nothing to do with the right hon. Gentleman's suggestion, but he would ask if the question of retiring allowances would not fall immediately under the consideration of the committee? If it would not have to consider what part of their emoluments military officers should retain, who were appointed to situations in the Military College, and other public establishments, and if the committee could consider that subject without embracing the question of officers being in the receipt of full pay, and accepting civil situations, such a course must inevitably be adopted by the committee, and it could not well avoid, unless prohibited, entering into the inquiry. In conclusion, he repeated his expressions of surprise at the Chancellor of the Exchequer's omitting this subject, after the pledge given to the House, declaring that the public would look with great suspicion on a measure that went to mulct a few poor clerks, while it left General officers in the receipt both of full pay and civil salaries.

[The hon. Member was about to propose his Motion for an instruction to the committee, but desisted on being informed that the committee ought first to be appointed. The committee being appointed, the hon. Member moved, that it be an instruction to the Committee to consider of the expediency of placing full and half pay officers under similar regulations, when appointed to Civil offices.]

Mr. *Trant* seconded the Motion. The hon. Member observed, that no credit would be given to the Government out of doors, unless it began its economical reductions with its highest officers. He was decidedly of opinion, that both full and half pay officers should be placed on a similar footing.

The *Chancellor of the Exchequer* objected to the Motion. He had no wish to deny that it related to a subject of great importance, and well worthy of the consideration of the House. He objected to it, however, because it was not necessarily connected with the object he had in view. He had given no pledge to the hon. Member. The only pledge which had been given was, that the whole subject of superannuations and pensions should be inquired into,—and to redeem that pledge, his present Motion had been brought forward. The hon. Member might submit a motion on the subject of his instruction to the House, and it was well worthy of separate consideration; but he could not consent to the present committee entering into the inquiry proposed.

Mr. *R. Gordon* said, he was more surprised, even at the opposition of the right hon. Gentleman, than he was at his omission. He had withdrawn his own Motion, on a distinct understanding that the Government would propose an inquiry—and now he found, not only, that it would not propose such an inquiry, but that it would not allow him, on a very fit and proper opportunity, to enter into it.

Motion negatived without a division.

HOUSE OF LORDS.

Tuesday, April 27.

MINUTES.] The Haymarket Removal Bill and the Four-per-Cents Bill were committed.

Petitions presented. By Earl FITZWILLIAM, two from the Inhabitants of Places in the West Riding of Yorkshire, praying that the Assizes might be held for that part of the County at Wakefield. By the Duke of SOMERSET, from Totness, in favour of the Emancipation of the Jews. Praying for the Abolition of the Punishment of Death for Forgery, by Lord VERNON, from Derby:—By the ARCHBISHOP of CANTERBURY, from Margate:—And by Lord DURHAM, from Stockton-upon-Tees, and from Darlington. By Lord HOLLAND, from the Magistrates of the County of Lancaster, praying that the Imperfections of the Welch Judicature might be improved, but that its frame might not be destroyed. By Earl STANHOPE, from Hastings, against the Renewal of the East India Company's Charter; and from the Agriculturists of Cirencester, complaining of Distress, and praying for Relief. And by the Duke of BUCCLEUGH, from the Dalkeith Farmers' Society, against the additional Duty on British Spirits.

Returns ordered. On the Motion of Earl STANHOPE, Account of the Exports of British Manufactures, from 1798 to 1814, and from 1814 to 1830:—Also of Foreign and Colonial Produce:—Also similar Returns from Ireland:—And also Accounts of all the species of Imports during the same period:—Particular Accounts of the Imports and Exports of Cotton during the same period:—Account of the Money paid and payable to the Bank of England for the management of the Public Debt in 1829:—Balance of Public Money in the hands of the Bank:—Advances made by the Bank to Government:—And Bank of England Notes in Circulation each year, from 1819 to 1830.

EAST RETFORD DISFRANCHISEMENT BILL.] Witnesses were examined at great length on this Bill. The cross-examination of one witness by Mr. Stevenson, who was (with Mr. Adam and Mr. Alderson) counsel for the petitioners against the Bill, occasioned

The *Lord Chancellor* to object to a third counsel being employed, it being contrary to the general practice and rules of the House to allow more than two counsel to be engaged on a side on any private bill.

On this question a conversation of some length ensued.

The Marquis of *Salisbury* supported the same view as the Lord Chancellor.

Lord *Durham* supported the propriety of allowing the third counsel to be heard. This was a Bill of Pains and Penalties; it had assumed a great degree of political importance, in consequence of having occasioned a division of the Cabinet; it was supported by several of the Cabinet Ministers, and therefore he thought it was the duty of their Lordships to relax the rule, even if it were a rule which they generally followed. He did not know that the rule had never been deviated from; and in a case like that, it would be proper in their Lordships to give the petitioners a more than usual latitude. If he were to consent to Mr. Adam's pursuing that cross-examination, which Mr. Stevenson was conducting so ably as to call the attention of their Lordships to him, he should recognise the principle, that only two counsel could be employed. He would therefore move that their Lordships should then adjourn the further consideration of the question, in order to give time to examine whether or not it were a general rule of the House that only two counsel should be heard.

The Earl of *Carnarvon* said, that he had no objection to the greatest latitude being given; all that he was afraid of was, the longitude of the case.

The *Lord Chancellor* said, that in the cases of Penryn, Grampound, and Barnstaple, two counsel only had appeared at the Bar of that House. He would move that only two counsel on behalf of the petitioners against the Bill should be heard.

Lord *Durham* moved, as an amendment,

that the further consideration of the question should be adjourned.

The House divided—For the Lord Chancellor's Motion 10; Against it 3—Majority 7.

HOUSE OF COMMONS.

Tuesday, April 27.

Minutes.] Returns presented. Number of Commissioners belonging to the London Bankrupt List:—Fees of Conveyancing and general Law Business (Scotland):—The Nineteenth Report of the Commissioners of Judicial Inquiry (Ireland):—The Expenditure of the Consular and Diplomatic Establishments in the New States of America:—An Abstract of the Reports concerning Pauper Lunatics from the different Counties of England and Wales.

Returns ordered. On the Motion of Sir **John Newport**, of any Money advanced by the Commissioners of First Fruits for the Purchase of the Rent reserved on the Glebe Land of Balymaglassan (County of Meath) in 1818:—Also, of Money advanced by the said Commissioners for the Erection of a Glebe House at the same place, specifying the time, &c.

Petitions presented. For the Abolition of the Punishment of Death in cases of Forgery—By Mr. **Walrond**, from the Clergy and others of Sudbury:—By Mr. Alderman **Thompson**, from the Congregation of York-street, Walworth:—By Sir **Rowland Hill**, from the Clergy, Gentry, and other Inhabitants of Madely, Salop:—By Lord **John Russell**, from Newton, in the County of Bedford:—By Mr. **R. Palmer**, from the Mayor, Aldermen, and Burgesses of Maidenhead:—By Mr. **Dickenson**, from the Inhabitants of Bath. Against any Alteration in the Welsh Judicature, by Sir **John Owen**, from the Inhabitants of Castle Martin; and from the Grand Jury of Cardigan:—By Sir **W. W. Wynn**, from the Grand Jurors of the County of Pembroke; and from the Freeholders of the County of Denbigh:—By Mr. **Pryse**, from the Burgesses of Cardigan:—By Mr. **Hugh Owen**, from the Burgesses of Pembroke:—And by Mr. **Rice Trevor**, from the Inhabitants of Carmarthen. Against the Parish Watching and Lighting Bill, by Mr. **Bright**, from the Commissioners of Paving (Bristol):—And by Mr. **H. Batley**, from the Commissioners for Improving and Paving St. Pancras (Middlesex). Against the additional Duty on Corn Spirits, by Colonel **Lygon**, from the People frequenting Worcester Market. Complaining of the Expense of Passing Vagrants, by Colonel **Lygon**, from S. Smith, Esq. Chairman of a Meeting of Justices in the County of Worcester. By Mr. **W. Smith**, from the Inhabitants of Wick, praying for a continuance of the Bounties on curing Fish. Against a Free Trade in Beer, by Mr. **Marshall**, from the Licensed Victuallers of Sheffield:—By Mr. **Bernal**, from Leamington:—By Mr. **Tynte**, from the Licensed Victuallers of Bridgewater:—By Lord **George Lennox**, from Chichester:—By Mr. **Mildmay**, from the Licensed Victuallers of Winchester.

[The petitioners declared that it was impossible to get rid of the stock of Beer brewed for winter consumption, as well as the Beer brewed for summer consumption, within the time allowed by the Chancellor of the Exchequer.

The *Chancellor of the Exchequer*, in reply to a question from Sir M. W. Ridley, said, his attention had been drawn to the propriety of allowing a drawback on the Beer remaining on hand; but he was satisfied, after mature consideration, that the Government would be liable to imposition by that method.]

Irish Protestant Church.] Mr. *Robert King* rose, to present a Petition from the Inhabitants of the County and City of Cork, respecting the Established Church of Ireland, of his intention to present which he had last night given notice. The individuals by whom it was signed, in all 3,000, were all members of the Established Church. When the importance of the subject, and the number and respectability of the parties from whom the Petition had emanated, and who had intrusted it to him, were considered, he was persuaded that the House would deem it entitled to most serious attention. The objects which the petitioners had in view were, to effect a more equal distribution of the Church Revenues in Ireland, and to correct the abuses which existed in the administration of that Church. The petitioners declared, that they were convinced of the purity of the doctrines of the Protestant Church—that they were convinced of the purity of the Episcopal Establishments—that they were desirous of supporting the privileges of that Establishment—that they distinctly acknowledged the right of the Established Church of Ireland, as a body, to the Church Property and Revenues—that they were far from considering that property and those revenues as superabundant, if they were more equitably distributed; and that they earnestly deprecated the application of any portion of the Church property to secular purposes, as tending to violate the principles of the Constitution, to endanger the connexion which ought to subsist between the Church and State, and to lead to national confusion and ruin. But while they were extremely desirous that the Church revenues should not be invaded for any temporal purposes, they contended that those revenues ought to be more equally distributed among the different classes of the members of the establishment. At present some of the dignitaries of the Established Church in Ireland enjoyed much beyond what the most liberal estimate would consider them entitled to, while on the other hand, those members of the Church on whom the most arduous and important duties devolved, received pittances insufficient for the supply of their most moderate wants, and entirely inadequate as a provision for those who performed services of so valuable a character. While, therefore, the petitioners admitted that a diversity of orders required a diversity of incomes, they were desirous that that diversity should not be so excessive, but that from the superabundant wealth of the one class the means should be derived of providing more adequately for the other. The petitioners also observed, that various abuses had crept into the administration of the secular affairs of the Established Church of Ireland; and they especially complained of the plurality of benefices enjoyed by some incumbents. This plurality necessarily involved all the evils of non-residence, and was evidently a misappropriation of that property to one individual, which, if distributed, would afford competence to several. The petitioners likewise remarked, that the evils of non-residence were not confined to those members of the Established Church in Ireland who held a plurality of benefices; but that, owing either to a defect in the laws which were intended to enforce the residence of the clergy, or to a laxity in the discipline of the Church, many beneficed clergymen were absent from their parishes; by which usage, those bonds which ought always to exist between a pastor and his flock were entirely dissolved. The petitioners also observed, that there did not seem to be sufficient authority on the part of the dignitaries of the Church, to control the moral conduct of the other classes; and that, as they considered it to be essential to the well-being of the Church itself, that the rulers of it should have an effectual control over those who, however corrupt and profligate, still participated in the revenues of that establishment which their conduct tended to injure and degrade, they were anxious that the episcopal authority of the Established Church of Ireland should be maintained and strengthened by the interposition of the Legislature. Such was the substance of the Petition which he would now beg leave to present.

On the Motion for bringing up the Petition,

Colonel *Beresford* said, he did not intend to offer any opposition to the reception of the Petition, but he wished to state one or two facts. His hon. friend, in presenting the Petition, had spoken of it as being most respectably signed, as if it represented the sentiments of the entire Protestant population of Cork. But the fact was, that out of a population of 30,000 Protestants, only 3,000 had signed this Petition; that though there were seven or eight peers resident, or connected with that county, only one individual amongst them had affixed his name to the Petition: and that out of 300 magistrates, only fifty-eight had put their signatures to it. He did not at all mean to question the respectability of those who had signed it, but he understood that since the public exposition of his sentiments which had been made by the noble Lord who presided at the meeting where this Petition originated, several gentlemen who had signed it had expressed a wish to withdraw their names from it.

Mr. *Hume* observed, that many of the opinions expressed in this Petition, respecting the Established Church of Ireland, were similar to those which he had himself expressed in that House many years before. He had at that time reprobated the pluralities and the other abuses in the Church of Ireland, to which the Petition adverted. He regretted that he was not at the present moment in possession of the admirable remarks on the subject, which had been subsequently made by the noble Lord who presided at the meeting from which the Petition emanated. The hon. Gentleman who had just sat down, had denied that the Petition proceeded from the majority of the Protestant inhabitants of the County and City of Cork. But could he say that the averments of the petitioners were false? Could he deny the force of their statements? And was not a Petition, proceeding from 3,000 persons, fifty-eight of whom were Magistrates, and one a Peer, deserving the most serious attention of the House? As to its having been signed by only one Peer, it was not very extraordinary that few Peers should be found disposed to sign such a Petition, since it was their interest to keep the revenues of the Church at the disposal of the Ministers, who, as the noble Lord to whom he had already alluded stated, employed them for the purpose of bribing both Peers and Commoners. He knew the sincerity of the hon. Gentleman who had presented the Petition; and he claimed equal credit for sincerity when he declared that he entirely differed from the hon. Gentleman and the petitioners in their opinion, that the existing Established Church of Ireland was suitable to the present time, or fit for the country in which it existed. He had on a former occasion stated that a reform of that Establishment was loudly called for, and that the salaries of many of the Bishops and other Clergy were greatly disproportionate and extravagant. He perfectly agreed with the opinions of the petitioners respecting the number of pluralities and non-resident Clergy, and the various evils thence resulting; but he did not agree with the petitioners or with the hon. member for the County of Cork, that the whole of the revenue of the Established Church in Ireland ought to be maintained. The hon. Member was for what he called an equitable distribution of the Church income, but that income was in itself greatly too large. It was evident, from history, that the property of the Established Church was public property, at the disposal of that House, which had the right to take it from one set of men and give it to another. Suppose the House should declare that the Established Religion of the country should henceforward be Quakerism. In that case there would not be anything to be paid to the Ministers. What then would become of the property of the Church? Would it be allowed to remain in the hands of its present possessors? Certainly not. Parliament would take it, and apply it as in its wisdom it might think fit. The property of the Church was not upon the same footing as private property. Private property the Legislature had no right to touch, but it had an undoubted right to alter the disposal as well as the distribution of Church property. He did not think, therefore, with the petitioners, that the application of the Church property to secular purposes would be attended with revolutionary or other evil consequences. He was firmly convinced that, after providing what was sufficient for the maintenance of the Protestant Clergy in Ireland, it was the duty of the House otherwise to employ what was superfluous; and for the purpose of ascertaining what was superfluous, it ought to institute the inquiry which the petitioners wished for. He cordially supported, therefore, the prayer of the Petition, and he hoped it would not be long before it was acceded to, and before his Majesty's Ministers would consent, either by a commission or by a committee of that House, to inquire from one end of the Empire to the other into the state of the Church property, with a view to its more proper distribution and application.

Mr. *King* explained.—The statements which he had made he had made from the Petition. The Petition had attached to it the signatures of two or three Members of that House, and of the Mayor, Sheriffs, and other respectable inhabitants of Cork. The petitioners were members of the Church of England, and unconnected with any party.

The *Chancellor of the Exchequer* did not rise to enter into a discussion upon the subjects adverted to in this Petition, because he was of opinion that discussions upon the presentation of petitions were peculiarly inconvenient. He rose for the purpose of entering his protest against the supposition that his unwillingness to enter into those details now, argued an acquiescence, on his part, in the principles avowed by the hon. member for Aberdeen. That hon. Gentleman appeared to allude to some former contests with him upon this subject, and he seemed to intimate, that in those contests, he (the Chancellor of the Exchequer) had uniformly attempted to defend, or to deny altogether, the abuses which were stated to exist in the Established Church in Ireland. Now, he was sure that those hon. Members who had done him the favour to attend to what had fallen from him with regard to those different subjects when under discussion, would recollect that he had uniformly expressed his opinion, in accordance with the sentiments of several of the most respectable Clergymen connected with the Church of Ireland, that several evils connected with the state of the Established Church in Ireland required correction. There had accordingly been much, he might say, done within the last few years, to place the Church of Ireland on the footing on which it ought to stand. There had grown up lately a desire in all ranks of people, and especially in the Church itself, to remedy those abuses which were admitted to exist, and which owed their existence not to any neglect or fault of the heads of the Church, but to the particular circumstances in which the Church itself was placed. He hoped that this subject would be discussed upon the principle of removing abuses where abuses were proved to exist, but not upon the principle of condemning the whole body of the Clergy because there had been some members of it who had misconducted themselves; still less upon the principle of appropriating the revenues of the Church, as was proposed by the hon. Member opposite, to such purposes of their own as might best square with the wants or the conveniences of the public Exchequer.

Lord *F. L. Gower* rose for the purpose of saying a few words in consequence of the self-complacency with which the hon. member for Aberdeen referred to this Petition, signed by fifty-eight Magistrates of the county of Cork, as a confirmation of the peculiar views which he had himself previously taken of the state of the property of the Church in Ireland. However valuable the hon. Member might conceive this Petition to be as a confirmation of his own arguments, he would venture to affirm, that there was very little concurrence in the main between these petitioners and the hon. Member. The Petition set out with a description of the advantages which the petitioners considered their country to have derived from the Established Church,—a point on which their opinion was much at variance with the opinions usually advanced by the hon. Member. Then, as to having the Church dealt with as the other establishments of the country were, by annual estimates, he must say, that he did not rely much on the prophecies which the hon. member for Aberdeen had made upon that head. On referring to that old almanack of which they had occasionally heard so much in that House, he found that there was no instance in which the property of the Church had been dealt with in the liberal fashion recommended by the hon. Member, where the property of individuals had been held sacred. If he should ever live to see the Church property thus dealt with, he should then deem his own property no longer safe. He would, therefore, oppose such projects to the utmost of his power. His conduct in so doing might not appear very meritorious, as it would be founded on a motive of self-interest, but he saw no reason why men should not consider their own interests, when the consideration of them tended also to the public benefit.

Lord *Oxmantown* said, he differed entirely from the hon. member for Aberdeen, but he did not think the presentation of a petition the proper opportunity for entering into any extended discussion of the subject. He certainly was disposed to find fault with the system by which the Curates of the Church of Ireland were left entirely at the mercy of the incumbents of livings of which the Curates discharged the actual duties. This arose chiefly, he believed, from the practice of appointing young clergymen to curacies before they were licensed, and he should propose, as an improvement of that system, that every curate should receive his license as soon as he received his curacy. By such a system he would be placed under the protection of the Bishop of the diocese, instead of being left, as he was at present, in a state of dependence upon his rector, differing very little from that of a servant upon his master.

Sir *John Newport* did not rise to prolong the discussion, but merely to remind the House, that it was not many days since it had presented an Address to the Crown, praying that it would appoint a commission to inquire into the abuses of the Ecclesiastical Establishments in Ireland. That commission had since been appointed, and he therefore was of opinion that, until the report of that commission was presented, any discussion like the present was both ill-timed and injudicious. When that report was laid upon the Table, they would see what abuses were clearly proved to exist, and what remedies were most easily applicable to them. For this reason, he should not trouble the House with any further observations on the present occasion.

Mr. *Moore* would not have said a word upon the present occasion, had it not been for the extraordinary misapprehension under which the hon. member for Aberdeen appeared to labour. He would beg leave to remind that hon. Member that this Petition had been in preparation for some months before the meeting of Parliament. Those who had proposed it had challenged all the Protestants of Ireland to come forward in support of it. That challenge had not been answered,—a circumstance which, by itself, was a sufficient refutation of the allegations of the hon. member for Aberdeen, that his views with regard to Church property had met with the sanction of the great body of the Protestants of Ireland.

Mr. *Baring* wished to enter his protest against the doctrine which had just been laid down by the two right hon. Gentlemen opposite, that in no case was it competent for Parliament to meddle with the property of the Church, which was to be considered as safe as any gentleman's private property. At the same time, he felt himself bound to declare, notwithstanding all the respect which he felt for the public conduct of his hon. friend, the member for Aberdeen, in other respects, that the hon. Member was the last man in the world to whom he would submit either the reformation or the re-organization of our Church establishments. Still, he was of opinion that, without some revision, these establishments might be involved in great danger. He particularly adverted to the mischief likely to arise from the unequal distribution of the property belonging to the Church. There were several Bishops in England, who were unable to reside in their dioceses, owing to the want of proper residences within the limits of them, and owing to the insufficiency of their incomes to provide such residences. He happened to know that a most venerable and meritorious prelate, the Bishop of Hereford, resided, not in his diocese, but at Winchester. The Bishop of Llandaff resided in London, where he held other preferments, from the insufficiency of his income to provide him a suitable residence in Wales. The Bishop of Rochester, whose jurisdiction extended over a large portion of Kent, had an income not larger than many of our parochial clergy, whilst there were Bishops of other sees, with incomes so great as to amount to 100,000*l.* a-year; or at least with incomes which would reach that amount in a very short time. When such was the case, he thought that it could no longer be denied that some change must be made in the distribution of the property of the Church, for the sake of the Church itself. He had no wish to establish an equality of revenue and of rank in the Church. He felt the advantage of our having and retaining a gradation of both; but still, it would, in his opinion, be of great advantage to the character of our hierarchy—which, he admitted, stood as high as that of any hierarchy in the world—to have such a distribution of property made among its members as would enable all of them to reside within their dioceses in a manner suitable to their rank in the Church, and to their respectability in society. When he was told that these were matters with which it was not competent for Parliament to deal in any imaginable case, he felt bound to protest against the doctrine. If Parliament acted upon such a doctrine, it would not promote but injure the Church. What the state of the Church of Ireland might be, he did not pretend at that moment to know. On that point he should have better information when the report of the Ecclesiastical Commission was laid upon the Table; but this he knew, that there was sufficient power in the three branches of the legislature to revise the distribution of its property. He would say the same with respect to the Church of England; not that he thought that Church too rich or too well paid; all that he contended for was, that Parliament had not merely the power, for that was unquestionable, but also the equitable right to exercise the power of distributing the property of the Church, as it thought most advisable, among the members of the Church. Whether Parliament had a right to say, "The Church is rich and too well paid, and we will devote its surplus revenue to the formation of Schools and Collegiate Endowments," was another question, into which he had no intention of entering on the present occasion.

Dr. *Lushington* had no intention of speaking upon this Petition when he entered the House, but felt himself called upon to rise, in order to set right a statement which had just been made respecting some of our Bishops, and their mode of performing their duties. His hon. friend, the member for Callington, had stated to the House that the Bishop of Llandaff, who possessed but a small income from his diocese, resided constantly in London, owing to his being unable to provide himself with a suitable residence in his diocese in Wales. But he could inform the House, from his own knowledge, that that meritorious prelate had held it to be his duty to hire, at his own expense, a residence within his bishopric, and had gone down to it last summer, for the express purpose of performing his Episcopal duties. He should be extremely sorry if it went forth to the public that the Bishop of Llandaff had failed in the discharge of the functions of his station, when his conduct was of the most exemplary description. Next, as to the residence of the venerable Bishop of Hereford at Winchester. When the House considered that that Prelate was now past eighty years of age, and that he had discharged his duties in the most exemplary manner, as long as his strength and health permitted, it would hardly expect a man of his advanced age to do more than what he now did. It was only last year that he had gone down to his own diocese, though with great pain and suffering to himself. But then, said his hon. friend, "There are sees of which the incomes either are, or shortly will be, 100,000*l.* a year. "Last year, however, they had had before them a bill for the purpose of enabling the Archbishop of Canterbury, to raise a sum of money for the repair of Lambeth Palace, and other purposes therein specified. Upon that occasion it was proved that his whole annual income did not exceed 32,000*l.* That was the greatest amount of income enjoyed by any English Bishop. Neither the see of York nor the see of Durham was worth any such sum. The revenues of the see of Durham, which was thought to be the richest see, he was assured, upon good authority, had never exceeded 22,000*l.* a year. As to the revenues of the bishopric of London, he must admit that they were on the increase. What might be the consequence of building on the land belonging to that see he could not pretend to tell; but he was of opinion, that the most sanguine calculator could not anticipate any thing at all approximating to such an income as his hon. friend had just stated, though he admitted that many buildings had been recently constructed on land belonging to the see of London. He thought it necessary to make this statement, as it would be productive of great inconvenience if the assertions of his hon. friend should go forth to the world without a contradiction. With respect to the Church of Ireland, he had only a few words to say. The noble Lord on the other side of the House thought it a defect in the discipline of that Church that curates were not licensed as soon as they received their curacies. But there was no such defect in its discipline as he imagined. If the noble Lord would look at a small volume, by a writer who possessed as much talent and ability as any Bishop who had ever sat upon the Bench,—if he would look at the first charge which Horsley, Bishop of St. Asaph, delivered to his clergy, he would see that the Bishop told them, in words as plain as could be, that if they continued to employ curates without licenses, he would proceed against them, one and all, as the law directed. The licensing of curates was, in his opinion, a matter of great importance; and he could wish that greater attention were paid to it throughout the country. He could assure the noble Lord that the employment of curates without licenses was not the discipline of the Church of England; on the contrary, express provision was made, that no man should perform permanent duty in any of our churches or chapels without receiving either institution as incumbent, or license as curate. That provision was one of the best safeguards of the Church, and had always been so considered by our greatest writers upon ecclesiastical matters. With respect to what had been said of Church property, he wished to observe, that his views with regard to it did not accord exactly with those avowed by either of the two parties which had sprung up in this discussion. In certain cases he considered Church property to be individual property, as in the case of advowsons; in other cases he looked upon it as public property. As to altering the present system of its distribution, that was a project to which he, for one, could never consent. He knew the inconveniences which occasionally arose from one clergyman holding a small and another a profitable preferment; but when he balanced those inconveniences with the advantages which he saw springing every day from the present system, he was reluctant to disturb the present arrangement for any which had yet been proposed in its stead. He must have stronger reasons than any which he had hitherto heard to satisfy his mind that he should be doing right in adopting any of the alterations which had been recently suggested. With respect to the Church of Ireland, and he might add the Church of England,—he agreed with those who said that pluralities and non-residence were sources of great mischief and inconvenience, and he would accede with pleasure to any measure which would put a stop to these evils. He had often considered whether it might not be expedient to pass a prospective law, enacting that no clergyman, who should be ordained after a certain day, should be permitted to hold a plurality of livings, unless they were so contiguous as to enable him, whilst residing upon one, to perform in person the duties of all. To any remedial measure which should compel the residence of the clergyman who received the profits of the living no one could be more friendly than he was, considering the residence of the incumbent to be one of the greatest blessings that could happen to a parish. He had seen the advantage of it over and over again in England; and thank God, it had latterly been exemplified in Ireland also. By the various measures which the right hon. Gentleman opposite (the Chancellor of the Exchequer) had introduced into and carried through Parliament since he had been in office, he had effected—and what was more, he had been the first person who had effected—a great reformation in the Church of Ireland. So far as related to the introduction of measures beneficial to that Church, the right hon. Gentleman had accomplished a great and permanent good. There was a time—it was in vain to deny it—in which every appointment in the Church of Ireland was regularly bought and sold. At the Union, a number of appointments to offices in the Church were made, without regard to any thing except the interest which could be secured by them. Of late years that system had been departed from, and the duties of the Church had, in consequence, been performed more decorously and more beneficially than before. When he saw the Church thus improving, not, indeed, so rapidly as he could wish, but still, at any rate, progressively improving, he could not help hesitating before he gave his consent to any strong measure which, under the name of revision, might effect a revolution in its constitution and discipline.

Lord *Oxmantown* had no doubt that the learned civilian had correctly explained the law; but if the law respecting the licensing of curates were such as he had stated, it was never acted on, and he believed it was unknown in Ireland. He was himself acquainted with a case, in which a clergyman had faithfully performed the duties of a curate for five years; during the whole of that time he never could succeed in obtaining a license, and at the end of it he was dismissed by the rector who employed him, without any cause being assigned for his dismissal.

The Petition read.

Mr. *Baring* said, that from the observations which had just fallen from his hon. and learned friend, he was afraid that he had unintentionally used expressions which reflected on the conduct of the reverend prelates whose names he had mentioned in his former speech. He assured the House, that if he had used such expressions, it was most unintentionally. No one could entertain a higher respect than he did for the Bishop of Hereford; and he fully agreed with his hon. and learned friend, that while his health and strength permitted, no prelate was more anxious to perform his duty to the congregations committed to his charge. The usefulness of the Bishop of Llandaff's labours to the Church was undeniable, and it was impossible that any duty which that prelate undertook should be inefficiently performed. In mentioning the names of those illustrious prelates, he had no other object than to observe, that they might obtain from their respective sees a sufficiency for the support of their rank in the Church and in society. He believed that at no former period was the reverend bench more respectably filled than at present. Still, he thought it a great inconvenience that one Bishop should have only 1,500*l.* a-year, whilst another had 32,000*l.* Such an arrangement did not contribute to the preservation of the independence of the clergy. Great as the information of his hon. and learned friend was on ecclesiastical subjects, he must say, that in his opinion his hon. and learned friend strangely under-rated the incomes of some sees. He had judged of the amount from their ordinary income, and had not taken into his consideration the fines paid for the renewal of leases, which were considered as part of their extraordinary income, though some fell in every year. The Bishops of some sees received in this manner more than three times the amount of their ordinary income.

Sir *R. Inglis* concurred in the observations which had been so pertinently made by the hon. and learned civilian who had just addressed the House. From every information which he had been able to acquire, the hon. and learned civilian was perfectly correct in the *maximum* of income which he had assigned to the different sees of Canterbury, York, and Durham, arising not only from ordinary, but also from extraordinary receipts. The income of the Bishops in Ireland had been so grossly exaggerated, that if he were to say that it approached a fourth part of the sum ordinarily stated, he too should be guilty of gross exaggeration. With regard to the Bishop of Hereford, he had enjoyed the satisfaction of being known to that venerable prelate for the last twenty-seven years, and, in point of fact, was under great obligations to him. From his acquaintance with him he was able to say, that no man could discharge his duties in a more punctual, faithful and exemplary manner. Last year he had gone down to Hereford, and had resided three months in his diocese. He concurred with the right hon. Baronet in his remark as to the propriety of not then discussing the merits of the Irish Church, and he hoped that no further reference would be made to this subject until they had upon the Table the report of the Ecclesiastical Commission, which had been recently appointed.

Petition laid on the Table. On the question that it be printed,

Mr. *Hume* took the opportunity of complaining that two of the right hon. Gentlemen on the opposite benches had strangely misrepresented what he had stated respecting Church property. He would never shrink from avowing any language which he had uttered; but he thought it a little too bad to hear language palmed upon him which he had never used. There was all the difference imaginable between the property belonging to Deans and Chapters and the property which private individuals had in advowsons. He wished that the vested interest of every incumbent, and of every advowson should be held sacred. His observations merely applied to Church property belonging to Bishops, Deans and Chapters, and other ecclesiastical corporations. The result of this debate satisfied him that some further inquiry was necessary, and he trusted that Ministers would institute it speedily.

Petition to be printed.

VESTRIES IN IRELAND.] Mr. *O'Connell* said, he wished to call the attention of the House to a Statute passed so recently as in the year 1827, which considerably affected the property of his Majesty's subjects in Ireland. The voice of the country had been raised against it. This was abundantly evident from the numerous petitions which had been laid upon the Table of the House. He had himself presented at least thirty petitions against this Statute, and he was convinced that three times as many had been presented by other hon. Members. In a word, the Act gave universal discontent, and he considered that its provisions were well calculated to do so; but he relied not, however, upon his own judgment, nor did he wish the House to take the fact upon his simple assertion. He could bring forward, in support of what he had stated, the authority of a clergyman of the Established Church—of Mr. Daly, the Warden of Galway, who, at a public meeting held in that town, stated, that not only were the people and gentry opposed to this Statute, but that even a magistrate on the bench of justice had designated the Vestry Act as infamous and abominable, and as a substitute for the Penal Code. Now this showed that the hostility to the Statute had not originated with him; and he was not giving utterance to his own sentiments and feelings alone, when he complained of it as an invasion of private property, and denounced it as giving individuals a power over the property of others which they ought not to have. The Act, he begged the House to remember, was a recent one; it changed the law, and inflicted additional grievances upon a class of people who were then unrepresented in that House; and he could not refrain from observing, that one of the greatest benefits which had resulted from the Relief Bill was, that there was at least one person, however humble and incompetent, at present, to endeavour, as far as his limited powers would admit, clearly to show the injustice of such Acts as this. The provisions of the Act against which he complained were shortly these:—The Vestry had the power of assessing the inhabitants to any amount for particular objects. The Act excluded the greater number of rate-payers from all meetings of the Vestry to consider of the building of any church or chapel of ease, or the rebuilding, repairing, and enlarging of the same. It excluded the Roman Catholics from the Vestries upon all these occasions. Next, it enabled the Protestant inhabitants exclusively to levy a rate upon all the other inhabitants of the parish for all purposes necessary to provide for the celebration of divine worship, as laid down in any Canon or Rubric now in force either in England or Ireland; thus including not only the Canons which may be in existence in Ireland, but also those which may only be known in England. Up to the passing of this Statute, the Roman Catholics were not excluded from meetings to consider the expediency of enlarging or repairing churches, or of voting upon any other questions, excepting for the building of churches, for the election of churchwardens, or for the demise of parish estates. In former times they were admitted to the discussion respecting the making of the rate, although they were not to that respecting the propriety of imposing it. The cases of exclusion had therefore been augmented since 1827, though the law then passed was not justified by any complaints against the Catholics. They had not obstructed the building, or repairing of churches, though all parties had before that time complained of the monstrous system of jobbing that was carried on by the Protestant Vestries. Now, nothing, in his mind, could be more unjust than this system. In England the Vestry had the power of levying rates on all the inhabitants for repairing churches, and this was perfectly just; but nothing could be more unfair than throwing the burthen of keeping up Protestant churches upon Roman Catholics, who formed the mass of the population in Ireland. Before the Reformation the churches were all in repair, and they were in sufficient number. By the canon law the clergy were obliged, out of the revenues of the church, to keep the church in repair. After this period, however, they were neglected and dilapidated, and instead of applying to the ecclesiastical fund, which ought to have been sufficient, the government of that day turned to the people, who were not guilty, and made them contribute for these purposes. Up to the passing of 12th of Geo. the 1st, Roman Catholics were admitted to vote at Vestries, but it was recited in this Act, that inasmuch as they had improperly prevented the building and repairing of churches, they should be therefore excluded from the Vestries. And yet, strange to tell, by an Act passed two years before, by the 10th of Geo. 1st c. 6, it was declared, that the consent of the majority of Protestants was sufficient for the building or repairing of churches, and consequently it was evident that the Roman Catholics could not, by possibility, have been guilty of that with which they were charged by the Statute of the 12th of Geo. 1st. He also complained, that if the Vestry did not choose to tax the parish to build and repair churches, the Bishops had the power of so doing. He had formerly been contradicted when he made this assertion, and had been consequently since led to examine into its correctness, and he found in the 23rd section, that the Bishop, if he thought fit, might issue a monition, ordering an assessment either for rebuilding or repairing churches, or providing any of the things necessary for the celebration of divine worship; and this order could be legally enforced. Thus it appeared the Bishops possessed unjust and unconstitutional power over the property of Roman Catholics, Protestants, and Dissenters. Another provision was, that if a churchwarden, acting for the Vestry, were defeated in any action, he having even gone beyond the powers of the Statute (for otherwise he must be successful under its protection), yet was the amount of the verdict added to the costs, and the whole was levied on the parish. The Act also had an inconvenience with respect to the union of parishes. By one Act of Parliament, the Lord Lieutenant of Ireland, and the Bishop of the diocese were enabled to unite parishes in perpetuity. But the Statute of George 4th enabled the Bishop, where a parish was destitute of a church, to unite that with any other parish he thought fit, and then it was to be taxed for the support of the church in the parish to which it was united, though it had, at the same time, to pay its own clergyman. He knew instances in which such unions had been made solely for the purposes of taxation; and the right hon. the member for Waterford had mentioned a case in which one parish, for this purpose, had been united to another ten miles distant. This was, he thought, a state of the law which ought not to be allowed to subsist. He complained also of this Statute, because in many parishes the number of Protestants was very small as compared with that of the Roman Catholics, while in other parishes there were no Protestants at all. He knew fifty parishes in Ireland, containing a population of 283,621 Catholics, and 3,228 Protestants, making the persons who imposed taxes about one in ninety of those who paid them. He also contended that the Statute was vague, and the powers of the Vestry were not defined. It might be objected, that if Roman Catholics were admitted, they would prevent the building and repairing of churches; but he thought that each class of persons should support its own religious establishment. The present state of the Roman Catholic Church in Ireland fully proved that there was no necessity for Government's contributing anything to the support of a church establishment. He did not, however, propose to introduce any principle into his Bill which should have the effect of depriving the Church of England of any of those rights it at that time possessed. He only wished to give the Roman Catholics the right of voting, as well respecting the propriety of imposing any rate, as the mode of levying it; and he would be at the same time ready to point out the remedy in the case of any improper opposition. If a pertinacious and unjust opposition were made to re-building or repairing a Protestant Church, the parish authorities might apply for a *mandamus* to the King's Bench; and the whole expense of the proceeding would fall on the parties unjustly opposing the measure. It was impossible, under the present system, when parish money was voted away by a few, that great favouritism should not exist in the expenditure of it. He would, however, avoid entering into any particular details, contenting himself with stating it was inconsistent with human nature that it should be otherwise. His Motion was simply this—to prevent the possibility of any one class being bound to keep its pockets open, that another might thrust its hands into them. The hon. and learned Gentleman moved for leave to bring in a Bill to alter and amend the laws relating to Vestries in Ireland.

The *Chancellor of the Exchequer* said, that as he was the person who introduced and conducted through the House the measure, against which the observations of the hon. and learned Gentleman were directed, and which had been so often attacked, he might be allowed to say a few words in its defence. He would not enter into the subject with reference to any of the antecedent attacks which had been made against the measure, but would rather imitate the temper displayed by the hon. Gentleman upon the present occasion. He would proceed to show that the Act was not, as had been represented, an invasion of private property, and that it was not entitled to any of the appellations which had been bestowed upon it. When the Statute was passed, it was generally acknowledged to be an improvement of the law which had previously existed, and an alleviation of the burthens and obligations of that class whose cause the hon. Member particularly professed to advocate. It received the approbation of men who were as jealous of the interests of the Roman Catholics as the hon. Member himself; and amongst others, of Lord Plunkett, then Attorney-general for Ireland, who assisted him in passing the bill. He differed entirely from the hon. Gentleman with respect to the view he had taken of the general question: and he did so because he thought an Established Church was an integral part of the Constitution, which was essential to the well-being of the people, and ought to be supported for the benefit of the State, by the general contribution of all classes of the community. If, therefore, he had assisted in preparing a bill proceeding on a principle different from the principle entertained by the hon. Gentleman, it was because he had a strong feeling in favour of an Established Church, instead of allowing different sects to support their own institutions, without contributing to the expenses of the National Church. The hon. Member complained that the bill now under discussion gave larger powers of assessment to Protestant Vestries than they enjoyed under the former law. He told the House, that until this bill was passed, the assessments could only extend to the re-building and repairing of churches, but that the bill had added the building and the enlarging of churches, and the building and the repairing of chapels, from which the parishioners were previously exempted.

Mr. *O'Connell* had only spoken as to the additional powers relating to the enlarging of churches and chapels.

The *Chancellor of the Exchequer* then understood the hon. Gentleman to say, that so far as related to the re-building and repairing of churches, the previous law gave the Vestry a right of assessment. Now, the hon. Gentleman had much insisted on the system of procuring funds for building churches in England and Ireland, and he had stated particularly the hardships to which he asserted the latter country was subjected. It was true that in England the Vestries were not bound to levy assessments for the building of parish churches; but it was equally true, that latterly in Ireland the parishioners were not assessed for that purpose. In Ireland the funds came from another source—namely, the First Fruits. Advances were made to parishes from that source, and the sum so advanced was afterwards repaid, without interest, by the parishes. In the same way, when there was a necessity for erecting a church here, a sum of money was advanced by the Commissioners for Building Churches, and the amount so advanced was repaid out of the proper rates. But whatever might be the hardship or inconvenience which the hon. Gentleman said resulted from obliging the parishes in Ireland to restore the sums granted to them for such purposes, that evil, it should be observed, did not arise under the bill of which the hon. Member complained. The law on that subject had its origin at an antecedent period; and by that law it was directed, that money lent for the purpose of rebuilding churches, &c. should be repaid. In framing the bill he had not overlooked that which the hon. Gentleman stated on former occasions to be the great and crying evil of the system, but which he appeared to have forgotten to-night. The first and most prevalent evil under the former law was, that the Roman Catholic could be compelled to take the office of church-warden; or, in other words, he might be forced to appear in a situation the duties of which he was not competent to discharge. For that hardship the bill now complained of furnished a remedy. It did not exempt the Roman Catholic from any honour or advantage which might be derived from filling the office of churchwarden (for it was sometimes said, that it was connected with honour and advantage, and sometimes the assertion was denied), but it gave him the option of taking the situation or of refusing it, just as he pleased; he could no longer be compelled to undertake those duties. Another objection to the former bill, but which was removed by the present, although the hon. Gentleman had omitted to mention it, was this—that all matters of dispute relative to rates necessary for repairing or beautifying a church, were brought before an ecclesiastical tribunal, and the church, in such cases, was supposed to act as judge in its own cause. What, then, was done, in the bill which the hon. and learned Gentleman condemned with respect to this point? Why, that power was altogether withdrawn. It could not now be said by the Roman Catholic that cases of this kind were heard before an interested tribunal. Those cases were submitted to a tribunal of magistrates, where Roman Catholics as well as Protestants might sit in judgment. He would therefore say, that this single change in the system, if there were no other alteration effected, showed clearly the feelings which actuated the framers of this measure. It proved that they had no wish unduly to uphold the interests of the Established Church by the influence of ecclesiastical authority. The hon. Gentleman had said, that in other parts of the bill provisions were introduced, imposing very heavy burthens on the Roman Catholics. He admitted that the clause for enlarging churches was added to the provisions for building and repairing churches. But why was it added? Simply, because it was a compromise between existing interests, and it certainly appeared reasonable that the Vestry, which had the power of building, rebuilding, or repairing, should possess the minor power of enlarging, which, in many instances, might render it unnecessary to incur the greater expense of re-building. The hon. Gentleman's next objection was, that the bill gave to the Bishop full power, as he had stated on a former occasion, to levy any sum of money he might think proper on a parish, and that such sum might be raised without any interference on the part of the Roman Catholics. Now it would be necessary for the House to consider in what case that power was given. By the law of both countries, as it stood at present, the parishioners were bound to keep the parish church in repair; and so long as an Established Church was kept up, it must be so. If a church were suffered to fall into decay, the Bishop had a right to require that a rate should be levied for the purpose of having it repaired. That was the law of this country. When visitations were made, it was the duty of the Bishop to see that the necessary repairs of the church were effected; and if the parishioners did not think fit to make such repairs, the Bishop here, as in Ireland, had a right to compel them to do that which they ought to have done voluntarily. Of course a rate of that description must, like other parochial rates, be shared amongst all the parishioners. Such a principle might not have existed in the Statute-law of this country before, but it had long formed a principle of the Ecclesiastical law, that the Bishop should have a right to levy a rate for proper repairs where it was necessary. The present bill transferred that power from the ecclesiastical courts to another tribunal; and in doing so, it had effected any thing rather than the imposition of an additional burthen on the Roman Catholics. Another objection made by the hon. Gentleman to the bill was, that when a churchwarden proceeded against any parishioner, and was cast, the parish were bound to defray his costs. He admitted that this was so; but as the individual acted under the direction of the Vestry, it would be very hard, should the Vestry have taken a wrong view of the question, that the person acting in his official capacity should not be remunerated. He had thus gone over several of the provisions of the bill against which the hon. Gentleman had directed his complaints; and he thought, if the House had done him the favour to listen to what he had said, that he had shown that the present bill had effected a great amelioration in the former law. He had corrected a great abuse which existed under the previous measure,—that of charging a gross sum as levied in the shape of rates, without stating to what purpose or purposes they were applied. Every item must now be distinctly pointed out. Indeed, the present bill went further, for it provided that the accounts should be open to the inspection of all the payers, and it gave the right of appeal to the magistrates against the amount of the rate, as well as against its particular appropriation. He would not say that the law was without any objections; but though he might admit that some provisions of it were capable of amendment, he could not consent to a bill for altogether setting it aside. Above all, he could never allow the hon. Gentleman to introduce a bill to amend the existing Act, on the ground of the enormities or abuses which he had been pleased to assert had been generated by it. The hon. Member's amendment came to this, that every rate-payer within a parish should in future vote for the maintenance of the church, and for those things that were necessary to be supplied for it. He thought that was going too far. He knew there had been a dispute as to the matters on which Vestries ought to vote, and it had been suggested to him to state in the bill the subjects to which their votes ought to be restricted. He had not adopted that suggestion, but had attempted to attain the same end, by sending to the different parishes a circular letter, in which he referred them to the Rubric and Canons for their guidance. He had felt it necessary to say so much in vindication of himself and of his right hon. friend, for having prepared a bill which he must continue to think was an amelioration of the former law. He should therefore oppose the Motion of the hon. Gentleman.

Mr. *S. Rice* said, he agreed with much of the latter part of the speech of the right hon. Gentleman, but not with the early portion of it. The right hon. Gentleman had risen to vindicate his bill; but the real and practical object which it was the duty of the House to discuss was, whether or not a case had been made out, even by the admission of the right hon. Gentleman himself, which rendered it expedient and necessary, without looking to the feelings and views of those who framed the law, to alter and amend it. On the part of those immediately connected with individuals who were affected by measures of this character, he thought the House had a right to expect that a more distinct pledge should be given—and that, too, without loss of time—by his Majesty's Government, of their intention to propose some alterations in this measure. He confessed for one, without meaning any disrespect to the hon. member for Clare, that he should be glad to see the amendment of the law taken up by the Government of the country rather than by an individual. The hon. member for Clare appeared to agree with him in that sentiment; and therefore would acquit him of any disrespectful feeling. He should, with reference to the success of any new measure, wish to see it proceed directly from the Government, in preference to its being introduced by an individual unconnected with the Administration, because, coming from such a quarter, it was undoubtedly more likely to be carried. He entirely concurred in the sentiment of the Chancellor of the Exchequer that, whatever defects were to be found in the bill as it now stood, such defects were not to be imputed to those who introduced the measure to Parliament, or to those who endeavoured to improve it. The whole spirit which was manifested in the debates in Parliament on this subject, was evidently dictated by a desire to apply a remedy to an admitted evil; and he must say, that in many important points that remedy was afforded by the bill before them. But admitting that, was he to be precluded from voting for a measure to remove other defects? Certainly not. At the same time, he would vote with the Chancellor of the Exchequer, provided a pledge were given by the

Government that it would adopt other, and he hoped the right hon. Gentleman would give him credit when he said, better, remedies for the evils than those which had yet been proposed. On the ground that the present law was capable of amendment, and because he thought it ought to be amended,—on this ground, and after the gross violation of the law, such as it was, that had taken place in Ireland, and holding in view the neglect of the circular promulgated by the right hon. Gentleman opposite on the subject,—he thought Ministers were bound to give immediate notice of their intention to propose some alteration and amendment of the law. Such an amendment need not affect the principle of the bill, and would strengthen instead of impairing the solidity of the Church establishment. It should be so managed as to cast the burthen of the rates on the landlord, instead of imposing it upon the tenant. He thought that such a change would be most beneficial. There was one subject in the right hon. Gentleman's speech to which he could not avoid alluding. The right hon. Gentleman had told them that he had sent a circular letter to the Vestries, referring them, for the guidance of their conduct, to the Rubric and the Canons. He must say, that he wished that instead of such a reference, their duties had been clearly defined in a schedule annexed to the Act of Parliament, that it might have come before the Vestries as a legislative measure, instead of appearing in the form of a circular letter from the Chief Secretary of the Lord Lieutenant. To whom was that letter addressed?—Why, to Irish Vestrymen. He was at that moment speaking to the English House of Commons; yet he would venture to assert, that there were hardly ten Gentlemen present at that moment who knew one single word of the directions contained in the Rubric or the Canons. What then could Irish Vestrymen know of such things? This uncertainty of the law had introduced a spirit of hostility and litigation which he had hoped would be taken away, and recalled feelings which he had hoped were entirely set at rest. It was under these circumstances that he wished to call his noble friend's (Lord F.L. Gower's) attention to the constitution and operation of the Irish Vestries Act. The present was a subject which excited more attention in Ireland than many others of greater importance: the petitions upon the Table proved that. The Legislature was asked to amend a law which it was pretty generally admitted required amendment, and unless the Government took up the subject, he should therefore vote for the proposition of the hon. and learned member for Clare. In doing so, he did not mean to pledge himself to go to the full length which it was possible that hon. Member might have in view; he should pledge himself to nothing more than an amendment of the Irish Vestries Act, and that in the absence of a pledge from Government. But he trusted that the noble Lord, who from the nature of his office, was charged peculiarly with the interests of Ireland, would not return to that country without being able to say to the people of Ireland, "There has been a case of grievance and considerable existing evil made out with respect to the operation of the Irish Vestry law; and feeling it to be my duty to devise a remedy for the evil myself, I introduced a bill into Parliament, which is now law. You owe the removal of the grievance to the Government and the Legislature."

Mr. *Moore* said, the principle that Roman Catholics and other dissenters from the Established Church should be exempted from contributing to its support, had been very adroitly disclaimed by the hon. and learned Gentleman opposite on this occasion, who, however, at the same time that he disavowed any intention of introducing that principle in his amended bill, spoke in such a manner, that he could not but believe, if the Bill were allowed to pass into a law, that the very next attempt of the hon. and learned Gentleman would be to introduce and establish that principle. The hon. member for Limerick gave up the remaining principle which the learned Gentleman sought to enforce, so that he (Mr. Moore) was relieved from going into the details of the subject. Of this he was satisfied, that infinitely more excitation would be produced in Ireland generally by an alteration of the law, as suggested by the hon. member for Clare, than could be compensated by the soothing effect which the learned Gentleman expected from the change in parishes where the numbers of dissenters from the Established Church predominated. It was well known that there were parts of Ireland where the Protestant inhabitants had no parochial place of worship. In such cases, the act of the 4th of Geo. 4th gave the Bishop of the diocese the power of conferring upon the inhabitants a right of attending the church of the adjoining parish; and so long as circumstances required them to do so, and no longer, were they to pay rates towards the support of that church; for although the Bishop had, to a certain extent, the power to unite adjoining parishes, it was a power only to be exercised for good and wise purposes, and in cases were necessity required it; and as soon as a parish built a church for its own use, the annexation fell to the ground, and the rates payable to the other parish ceased. He denied that there was anything indefinite in the existing law, which it was true, contemplated "the providing of all things necessary for the celebration of divine service, according to the rites and ceremonies of the Church of England." This was explained to be all things required by the rules, and canons, and rubric of the church, and upon the extensive meaning of the latter word "Rubric" the hon. and learned Member had rung the changes here and elsewhere. The hon. Gentleman went on to say, that the meaning of the term "Rubric" was extremely simple, and that if the learned Member looked into Burn's Ecclesiastical Law, he could find a definition of it. In fact, the "Rubric" was the directions contained in the Book of Common Prayer with regard to the celebration of divine service, and in old Prayer Books these directions were frequently printed in red ink, and were therefore termed the Rubric. After this explanation, he thought it could not be maintained that the Act of Parliament was not sufficiently distinct and definite on the subject. The hon. Member concluded by expressing his determination to vote against the Motion.

Sir *J. Newport* said, the hon. and learned Gentleman who had just sat down thought it right to refer the House to Burn's Ecclesiastical Law for the meaning of the terms "Rubric" and "Canons of the Church;" but the right hon. Gentleman opposite was content with issuing a circular as to what the Rubric required without referring to Burn's Ecclesiastical Law. What was the result of this letter? The result was, not only that many of the parishes treated it with levity, but several of the incumbents said, the right hon. Gentleman had no authority to send such a communication, and one individual went the length of saying he set it at nought. In one parish in Dublin, under the head of matters "necessary for the celebration of Divine Service," was a vote of 300*l.* agreed upon in vestry, and granted to two curates for performing of early service, not leaving it to the incumbent to provide for the payment of his curates. Sums of money were voted for vestry clerks, bellows-blowers to the organ, organ-tuners, teachers of charity children, and other objects never contemplated by the Act, and all this under pretence of "things necessary for the celebration of Divine Service, according to the rites and ceremonies of the Church of England." Such circumstances showed the necessity of guarding the Act against the possibility of misconstructions. He heartily wished that the assessments could be provided for by other means than annual vestries, for the purpose of avoiding the chance of excitement. One great evil was, that if an aggrieved parish appealed, and were successful in that appeal, the costs were still thrown upon the parishioners. Another was, that when an appeal was determined on, it was necessary to enter into recognizances to prosecute, and as few parties liked that responsibility, the power of appeal, which he admitted was intended to benefit the population of Ireland, was in fact, and practically of no use whatever. The right hon. Gentleman concluded by expressing a hope that the noble Lord (Lord F. L. Gower) would give an assurance of his intention to propose an amendment in the existing law, and observed, that if this suggestion were not adopted, he should feel bound to support the Motion of the hon. member for Clare. If Government took the matter into their own hands, no doubt the learned Gentleman would be content to leave it with them.

Lord *F. L. Gower* considered it his duty to oppose the Motion of the hon. member for Clare, and in doing so would take the opportunity to explain very briefly his views of the subject. When first he undertook the duties of the office which he now held, he entered upon them with impressions and notions as to this law, which had been considerably changed by what he had observed since he went to Ireland. He was prepared to find a case of remarkable failure and grievance, but he must say that his impression, arising from recent experience, and from what he had seen of the working of the law in the country, was, that it was a law which rather admitted than urgently required amendment. It was not necessary for him, after the explanation offered to the House by his right hon. friend, the Chancellor of the Exchequer, who, from his share in the enactment of the measure, was the most proper person to explain its details, to go into the subject minutely. The hon. member for Limerick must excuse him if, with the impressions now existing in his mind, he felt considerable caution as to pledging himself to the immediate introduction of any enactment on the subject. On general principles he was reluctant to do so, not having made up his mind fully on the matter. He had formed an opinion with respect to various details of the act, and thought that some of them might perhaps be amended and improved; but bearing in his recollection all the suggestions that had been offered on the subject, he had not yet been able to determine as to the course he should take, or the extent to which he might be able to adopt these recommendations. The hon. Gentleman seemed to think that it was a fit subject for inquiry by a committee up stairs; and that was sufficient to entitle him to decline giving the pledge which the hon. Gentleman so urgently pressed for. He felt it his duty to deal candidly and fairly with his hon. friend, and to say, that if he were disposed to rest his vote on the hope that Government would, in the course of the present Session, bring forward an enactment on the subject, anxious as he felt to have his hon. friend vote with him, he could not purchase that vote by offering the pledge which his hon. friend required, because in doing so he might only be deceiving him, and the House. If he understood the hon. member for Clare aright, his proposed alterations would amount to an admission of rate-payers of all descriptions to privileges from which they were excluded by the present Act; and the hon. Gentleman appeared to think that the danger and inconvenience that might once have resulted from this course was now reduced to almost nothing, by the good feeling existing among all classes on the other side of the water. He was happy to say this good feeling did exist in a great degree on many subjects, and he could wish that the temperate tone of the present discussion had prevailed in all discussions of the subject, and in regard to all matters relating to Ireland. Such a circumstance might have almost reconciled him to the learned Gentleman's proposition: but the tone and temper referred to was not the tone of feeling that always prevailed in Ireland on this or other subjects, as the hon. member for Clare well knew. He was not sure that the tone of feeling in Ireland with regard to the particular Statute in question, was such as rendered it desirable to deal with the subject at the present moment. It was partly upon this ground that he thought the hon. Member's expectations, with regard to the working of his proposed alterations, would not be borne out. Under all the circumstances of the case, he could not give the pledge required at the hands of Government, and felt bound to oppose the Motion of the hon. member for Clare.

Mr. *Trant* said, the hon. and learned Member had told them how highly a Church could flourish without any provision; while he said, at the same time, that it was not his present intention to go further than the measure then before the House: but who could doubt the hon. and learned Gentleman's ultimate intention? No one who, like him, was an earnest and sincere member of the Roman Catholic Church, could reconcile it to his feelings, to omit bringing forward motions of that nature. He could not help endeavouring to make some progress—he hardly knew what to call it—in undermining what he could not but regard as an intrusive Church: it was perfectly natural, and so obvious, that all men had foreseen that the moment a Roman Catholic Member obtained a seat in that House, measures would be introduced for the purpose of overturning the Established Church in Ireland. This, in fact, was the object of the hon. and learned Gentleman, though he couched it under the name of an amendment in the Vestries Act. He should deeply regret to see the Church of Ireland regulated by a schedule in an Act of Parliament, as proposed by the hon. member for Limerick, instead of being regulated by the Canons and the Rubric. There might be philosophers and economists in that House, but he trusted, the people would support him in maintaining the rights and privileges of the Church of England. He hoped and believed that the people of England would support him and other Members of that House, in watching, with the greatest vigilance, anything affecting the interests of the Established Church in Ireland.

Mr. Secretary *Peel* said, he most fully concurred with the hon. Member who had spoken last, that they should look with the utmost vigilance to all that affected the interests of the Established Church—there was no motion brought forward as the present had been which should not be regarded with, he might even say, suspicion —a motion made upon such a subject, and having such an effect, by an hon. Member dissenting from the doctrines of the Church, and avowing opinions with respect to contributing to the maintenance of the Established Church, such as had been avowed by the hon. and learned Mover—to which he added, that he contemplated ulterior measures, which, for the present, he did not think it expedient to put forth. Now it was to be regretted that he had confined himself to that imperfect statement of his opinions; it would have been much to be desired, that those opinions had now been submitted to the House, that they might know at once what the hon. and learned Gentleman proposed to do. With respect to the particular question then before them, he begged to say, that he was far from denying that very plausible arguments had been brought against points and portions of the Act, of which it was the object of the hon. and learned Gentleman to procure the repeal; but he looked to the main principle of the Motion, and upon principle he opposed it. He understood the main object of it to be to enable Catholics and other Dissenters to vote at Vestries concerning the imposition of Church-rates.

Mr. *O'Connell:* Other Dissenters vote now.

Mr. Secretary *Peel* resumed: If Roman Catholics were permitted to vote, he foresaw it must be productive of the most endless confusion in Ireland, and would lead to the destruction of that peace and good-will now so happily prevailing in that country. The Church of Ireland was a branch of the Protestant United Episcopal Church of England, and the reform carrying on in the whole of that Church required an increased supply of places of worship, and he knew not how those were to be had otherwise than by taxing the possessors of land in Ireland. They could not expect England to pay for those churches; and if it turned out that the possessors of land in Ireland were not able to pay for them, then England must see that they were paid for from some other quarter, so as to keep the burthen, if possible, upon the shoulders of those who ought to bear it. The members of the United Church had a right to look to the possessors of land in Ireland, for the maintenance of the decent performance of public worship, according to the form of the Established Church. For his part, he knew nothing better than levying parochial rates for this purpose. He confessed he heard with surprise a lawyer recommending an enactment, giving the power of application to the Court of King's Bench—it might be said, that even at the present moment there existed the means of application to the King's Bench; he did not know whether it was so; if it was, he regretted it; for, in his opinion, the Court of King's Bench ought to be kept aloof from all party contention, whereas the measure which the hon. and learned Gentleman sought to carry, would have the effect of erecting the Court of King's Bench into a political tribunal, exercising a discretion upon the expediency of erecting a church in every parish in Ireland. He knew that in certain cases of rates, that Court could issue a *mandamus;* but he should most decidedly object to devolving upon that Court the exercise of a political discretion, instead of leaving it exclusively to its legitimate business, the administration of justice. Admitting the force of some observations which had been made respecting the operation of the Vestry Act, he preferred giving the present Motion a decided negative, to adopting any other course; nor should he purchase the concurrence of any hon. Gentleman in that House, by giving a distinct pledge to propose any alteration in it. He could not conceal from himself the difficulties that were in the way of any attempt to specify by law, in what cases Vestries should have the power of imposing rates. The Canon Law and the Rubric were, it must be admitted, but little understood, and rarely referred to by those who took an active part in the business of Vestries; and, in the circumstances in which the circular letter of his right hon. friend had been issued, he did not, he confessed, see how a more expedient course could have been pursued. Though fully aware of the difficulty of accomplishing the object of which he spoke, he could not help expressing a wish that all those cases were specified by law; for it was scarcely to be supposed that the Roman Catholic would remain satisfied with any practice, merely because it was prescribed by the Canon and the Rubric, and not specified in any legislative enactment. It would be, therefore, convenient and advantageous, that a law should be passed, did no grounds of objection to it appear; but to say anything decisive, one way or the other, would be giving a pledge in the course of a debate too important to be given, except upon due consideration. There were other points connected with the present question, which required much consideration, and to which he was willing to give his serious attention, but upon which he could then give no pledge. As to the Motion of the hon. and learned Gentleman, he differed from it in principle; and therefore he was prepared to give it his most decided negative.

Mr. *O'Connell* claimed the privilege of saying a few words in reply. He objected to the payment of cess by Catholics, so long as they were denied the power of voting at vestries, and so long as the purposes for which the money was voted remained undefined. It was most unfair to charge him with making the present a question of religion—he had studiously avoided making it so—it was a question of pounds, shillings, and pence—it was a question about levying distress, and the pocketing of fees upon that distress—that was not religion, that was extortion, and the party guilty of it was an extortioner, and no Christian at all. Those who had to observe upon what had fallen from him, and who felt themselves called upon to oppose his Motion, seemed much discontented at the manner in which he had introduced his Motion. He remembered once hearing a counsel say to a witness, "Why don't you say something that I can lay hold of?" Hon. Gentlemen opposite seemed to be somewhat in that situation—they seemed to be amazingly discontented with him for not saying something that they could lay hold of. He should now come to another point. The great principle for which he contended was this—that no one sect ought to have the power of taxing another at its discretion, for the maintenance of an adverse system of religion. If the Protestants of England bore the same numerical proportion to the Catholics here, which the Catholics of Ireland bore to the Protestants there, he should feel but little respect for the Protestant body, if they allowed a few Catholics to tax them for the maintenance of their own form of worship. But then it was said, that all this pecuniary aid was necessary for maintaining the poor Established Church of Ireland; impoverished as it was, and destitute of pecuniary means to defray the charges of its public worship, it behoved them to do something for its protection and support. Good God! was it to be endured that such language should be applied, as he had heard, with respect to the Established Church of Ireland?—a Church the richest in the world, compared with the wealth of the people amongst whom, and at whose expense, it was established. Yet they were told that the inordinately rich church ought not to be expected to pay for its own sacramental elements; for the decoration of its places of worship; for the salaries of its pew-openers; nay, for the winding-up of its vestry clock: he found that to be one of the items. No; the Church was to pay for none of these; but that richest of Churches was to tax the poorest of nations, and that for the maintenance of a system opposed to the feelings and principles of the great mass of the people. Formerly vestries could not impose taxes oftener than once a year—on Easter Monday or Easter Tuesday. By the present law, they could impose taxes on every Monday, Tuesday, Wednesday, and every day in the year except Sunday. They possessed an unlimited power of taxation over their fellow-subjects. It was said, that the people possessed a power of appeal to the magistrates at sessions; yes — but then they must give two sureties in 100*l.* each [*No, no*]. Yes, but he had the Act. He wished the hon. Gentleman to refer to the 16th section, and then to the 17th. He would there find, that appellants to the Sessions were bound to find two sufficient sureties in 100*l.* each. The Act stated, indeed, that the appeal should be received with securities or without them, at the discretion of the magistrates, should they think fit to dispense with them. But would the magistrates dispense with them in any case except in the cases of rich men, to whom the dispensation would be of no value?—the poor man, who could not find the securities, would be the very person required to find them. He then proceeded to observe, in detail, upon some of the clauses of the Act, complaining that the least irregularity in the form of proceeding was fatal to any appeal—that the whole time, therefore, occupied in trying appeals, was spent in trying, not the merits of the question at issue, but the forms of the proceeding. It was a system such as that which made law-reforms necessary—it was well known that the greater portion of the time of the inferior courts in this country was spent in settling questions of form, without the slightest reference to the merits of the questions in dispute between the litigants. It was objected by the right hon. Gentleman opposite, that the Court of King's Bench was not a fit tribunal for the purposes which he contemplated. The power which he proposed to confer on the Court of King's Bench was perfectly analogous to powers already possessed by that Court, and in many cases of rates exercised by the Court of King's Bench, in England, amidst its multifarious duties. A *mandamus* in the case of rates in Ireland was perfectly usual, and the power which he meant to convey would not place the King's Bench in any novel or inconvenient position. What formed the chief ground of his complaint was, that there should be taxation without the power of voting, and for purposes opposed to the feelings of the people, and not defined by law. He knew fifty parishes in Ireland in which the Catholic population were to the Protestant as eighty to one—was it to be endured that one should be placed over the eighty, and invested with power to tax them at his discretion, and for purposes of his own sect? It was against every principle of British justice, and opposed to every principle of the British Constitution. Was he, a Catholic, then to be taunted with complaining against that? He was in that House because the people of Clare sent him into it; but he did not appear there as a sectarian—he rose in his place to contest a question of pounds, shillings, and pence—he had done all in his power to bring forward the Motion in a manner the best calculated, as he conceived, to avoid offence—and he must be allowed to say, that he thought he had not been treated as he deserved. The motive which had been imputed to him by the hon. member for Dover was most unjust—he was influenced by no such considerations—he knew no religious distinctions except in the Temple of his God—he scorned and repudiated the purposes imputed to him—and he appealed on behalf of the people of Ireland to the justice of an English House of Commons.

The House then divided, when there appeared—For the Motion 47; Against it 177—Majority 130.

List of the Minority.

Althorp, Lord
Buller, C.
Baring, Alex.
Baring, B.
Blandford, Marquis
Benett, J.
Clements, Lord
Clive, E. B.
Cave, Otway
Cavendish, W.
Duncombe, Thomas
Dundas, Thomas
Dawson, Alexander
Davenport, E.
Easthope, J.
Ewart, T.
Fazakerley, J. N.
Graham, Sir J.
Guise, Sir W.
Grattan, J.
Hobhouse, J. C.
Howick, Lord
Knight, R.
Kennedy, Thomas
Lambert, Colonel
Monck, J. B.
Macintosh, Sir Jas.
Macdonald, Sir James
Marshall, John
Maberly, Colonel
Martin, John
Macauley, W.
Morpeth, Lord
Newport, Sir John
Ord, William
Philips, Sir G.
Power, R.
Parnell, Sir H.
Palmer, Fysche
Ponsonby, hon. F.
Robinson, Sir G.
Rice, Spring
Stanley, hon. E.
Talbot, R.
Tuite, H. M.
Wilson, Sir R.
Warburton, Henry

TELLERS.

O'Connell, Daniel
Hume, Joseph

ADMINISTRATION OF JUSTICE.] The Attorney General moved the Order of the Day for the second reading of the Bill for Improving the Administration of Justice.

Mr. *Jones* objected to proceeding with the Bill at that hour. The Bill itself was objectionable in most parts, particularly in those which referred to the Welsh judicature. It was divided into two parts, which were not at all necessarily connected, and between those was introduced a measure not connected with either—namely, the abolition of arrest for debt for any sum less than 100*l*. Many who approved of one part would disapprove of the other. Indeed, the Bill, taken altogether, was the greatest skeleton of a bill he had ever seen. It would take six months in a committee to put flesh on its bones. It looked as if the hon. and learned Gentleman had put together all the marginal notes of a whole volume of statutes, and put them together without order or form. Such a bill he had never seen in that House, except it was a Poor-bill which the hon. and learned Gentleman himself had introduced some few years ago, and which, though he had been two years in preparing it, appeared such an abortion when laid on the Table of the House, that it was almost immediately withdrawn. The Bill before the House was full of absurdities and inconsistencies; he could mention several, but one or two would suffice. The Bill left to the King in Council the power to consolidate two shires in Wales as might be deemed necessary, and thus one sheriff was to act for the two—the sheriff acting in one county, and his sub-sheriff in the other. But he should be glad to know, if the King's writ were to be directed to the sheriff to return a Knight of the Shire for each county, how he was so to divide himself as to avoid the penalties which would fall on him for not attending to each as directed? Then, under this Bill, there was no way by which a person in Wales could levy a fine and suffer a recovery; so that all property would be at a stand-still in that country. On the whole he would say, that a greater jumble of incongruities he never saw put together in the shape of a bill; and if the question of the second reading was pressed at this late hour [nearly eleven o'clock,] and when many Welsh members had left the House, not expecting that it would be brought on, he should feel it necessary to move the question of adjournment.

Mr. Secretary *Peel* observed, that the opposition of his hon. friend to the Bill was certainly unfair. He raised objections to the measure, and then compared it to a measure on the Poor-laws which had been introduced by his hon. and learned friend some three or four years ago, with which, however, it had nothing whatever to do; and after having made a speech himself, he wished to prevent farther discussion by moving an adjournment. If his hon. friend had objections to parts of the Bill, the committee was the place to discuss them, and it would therefore be more proper to let the Bill go into committee, and discuss them there.

Mr. *O'Connell* objected to the Bill, and the present was the proper time for making the objection, because it was too late an hour to enter upon the consideration of a measure of such importance There were parts of the Bill which had no connexion whatever with each other; one part relating to Wales, and the other to regulations at Westminster-hall. The appointment of the three Judges to the courts in Wales had no necessary connexion with the courts in Westminster; for if the business were equalized in the Courts of King's Bench, Common Pleas, and Exchequer, there would be no need of any additional Judges. The Speech from the Throne promised legal reforms, and this Bill was the performance of that promise. He agreed, however, with the hon. member for Carmarthen, that it was an abortion, and that it diminished no expense, although it might remedy some delay. It was intended, indeed, to benefit no one but lawyers in first-rate practice. He objected to the Bill, also, because of its abolition of some parts of the Welsh jurisdiction,—for instance, the sending-up every Welshman to the Court of Chancery here, who had any equity business, was an inconvenience to the people of that country, to which they ought not to be subjected, and if the hon. Member did not move, under these circumstances, the adjournment of the House, he would.

The Order of the Day for the second reading was read.

Mr. T. P. Williams moved that the House do now adjourn.

The *Attorney General* said, that if he postponed the Bill from to-night, he did not know on what night or day he could fix, and many Members expected that the Bill would be brought on to-night. The hon. and learned Gentleman who had shown so much zeal in defence of the Welsh judicature as to travel out of his way to make a personal attack on him, which certainly reflected very little credit on his good taste, had himself not pointed out any day on which the second reading could be fixed, if postponed from to-night. The fact was, the hon. and learned Gentleman wished to defeat the Bill altogether; but he might have taken a much more fair and manly course in meeting it on proper grounds. He had objected to the appointment of three Judges in Westminster-hall, as not connected with any alteration in the Welsh judicature, but their appointment would be rendered necessary by the removal of the eight Welsh Judges. He did not think the Bill perfect. He did not say it was so, but if the House would allow it to go into a committee, he had no doubt alterations could be made, which would remove every objection. He was quite ready to divide the Bill into two or three bills, if the House desired it; but even that could not be done until they went into committee. Under these circumstances he did not think it necessary to enter into the principle of the Bill, as he felt the House would not do the measure the injustice to consent to the learned Gentleman's proposal for adjournment, which was only intended to defeat the Bill in an unfair manner.

Mr. *T. P. Williams* denied that his object in moving the adjournment was to defeat the Bill—his great objection at present was to the lateness of the hour at which it was brought forward.

Mr. *F. Lewis* said, that as a Welsh Member he could not agree with the arguments of the other Welsh Members for the postponement of the measure. The House was now called upon to recognize the general principle of the Bill. As far as he had been able to ascertain the opinions of his constituents, they were willing to enter into the consideration of a measure founded on the allegation that it was desirable to make a change in the Welsh judicature; but then it was absolutely necessary that they should be informed what the proposed change was—what sort of judicature it was intended to introduce in lieu of that at present in existence. As the Bill at present stood, that could not be discovered. It was impossible that the measure could meet with their support unless the right hon. and learned Gentleman took an opportunity of stating the outline and detail of the measure which he intended to substitute for the present Welsh judicature. It was impossible to think of subverting the present administration of justice in Wales, and leaving that country exposed to the introduction of no one knew what in its place. Were the counties to be divided? To such a proposition many of the Welsh counties would object. That one which he had the honour to represent disliked parting with the Assize altogether. Let the plan, however, be distinctly explained to the House, and then only could it be fairly pronounced upon. That could only be done in the committee, when the details would be given, and it would depend upon them whether he supported or opposed the Bill.

Colonel *Wood* was desirous, as a Member for a Welsh county, of saying a few words on the subject. He had no hesitation in declaring, that it was the decided opinion of the best-informed men, professional and unprofessional, in the county which he had the honour to represent, that the time had arrived, when an alteration ought to be made in the Welsh judicature, and when it ought to be assimilated to that of England. This was not a party opinion; it was one which he had formed from a long and deliberate consideration of the subject. But if there were any one measure to which the Welsh were disinclined, it was that which had been proposed by the Law Commissioners, but their plan for dividing the counties, he believed, had been abandoned. There was another proposition which was considered quite as bad; he meant the consolidation with the English counties. To that there were great and serious objections. In the first place, most of the evidence by the lower classes of the people on criminal trials was given in Welsh. He knew that the disinclination of the people to give their evidence in English was attributed not to their ignorance of the language but to prejudice. He would put it, however, to any hon. Gentleman, however familiar with the French language, if he would like to give evidence in that language in France, in a case in which the life of a countryman was concerned? If this were a prejudice, it appeared to him that it was at least a prejudice that ought to be respected. Again, it was highly important that the juries should be Welsh, for an interpreter was a very inadequate expedient in cases in which the precise meaning of a word or the turn of an expression might involve very serious consequences. That, of itself, was an insuperable objection to the consolidation of Welsh with English counties. He hoped, therefore, that when the Bill came into the committee the right hon. and learned Gentleman would withdraw that provision in it: otherwise he (Colonel Wood) should be under the necessity of taking the sense of the House as to the expediency of expunging the provision by which power was given to his Majesty's Council to consolidate any Welsh county with an English one. Having said this, he would now shortly call the attention of the House to the present state of the judicature in Wales. All admitted that it required amendment, and an amendment which involved the necessity for an Act of Parliament. Even those who advocated the retaining of the Welsh Judges, admitted the evil which resulted from the same judges constantly going the same circuit; and acknowledged that, after a course of years, they must become familiar with parties, or at least that the inhabitants would think that they had become so. That, therefore, was generally allowed to be objectionable. The hon. and learned member for Clare proposed to let the eight Welsh Judges be ambulatory every term, and to let them choose their circuits as the English Judges did. But did the hon. and learned member for Clare suppose, that the evil of allowing the Welsh Judges invariably to go the same circuit had not been before discovered, and that a similar remedy had not been before proposed? The fact was, that it was impracticable to adopt that remedy, because, as the Welsh judicature was one of Equity as well as Law, one Judge might, under such circumstances, hear the commencement of a case, while another was called upon to preside over its continuation, and a third to give judgment upon it when finished. The question also arose—who ought to be a Welsh Judge? Some said a practising barrister. To that it was objected, that merely by inserting fictitious names the opinion of a Welsh Judge, in his capacity of barrister, might in that case be obtained on a cause upon which he would be subsequently required to give his opinion as a Judge. Then, again, there were no retiring pensions to the Welsh Judges: let their personal infirmities be ever so great, they must go on in their judicial capacity to the last. That was an evil which might be obviated by giving them retiring pensions. But would the House of Commons agree to give these retiring pensions, when they could get a better description of Judges by a cheaper process? The great object was, to let the people have cheap justice at their own doors. As the law at present stood, however, the opulent plaintiff had the power to remove a cause to the nearest English county, by laying the damages at above fifty pounds, and, thereby, to put the defendant to a great expense in transporting his witnesses, in some cases above a hundred miles. What he should have no objection to was this, viz., to leave it to his Majesty's Council to send an English Judge into each county town in the North, and another into each county town in South Wales; there to hold an assize as in Westminster-hall. To this it had been objected that there would be no Bar. It would be time enough to make an alteration on that subject whenever the complaint should be actually made. A special retainer might always be given for a special case. By some means or other he had no doubt that barristers would find their way into the courts in question, and that there would soon be enough of them. Of this he was perfectly satisfied, that, as far as his county was concerned, if an assize were held by an English Judge in every county town, all opposition to the measure would cease.

Mr. *Harrison Batley* maintained, that it was extremely desirable that the administration of justice in England and Wales should be uniform, and that a measure to render it so should be no longer delayed.

Mr. *E. Davenport* was favourable to the principle of the Bill, but was apprehensive that the benefits of it were more than counterpoised by the mischiefs which accompanied it. The hon. and learned Gentleman proposed to give Cheshire the advantage of the Judges of Westminster Hall. So far, Cheshire was extremely obliged to him. It was certainly most desirable to withdraw that rat-trap, the Chief-justiceship of Chester — an office which had been but too frequently the reward of apostacy and tergiversation. If, also, the Chief Justice of Chester proved to be worth his purchase, he soon left that post, while, on the other hand, if he turned out a dear bargain, he remained in it for life. One point, however, seemed to him to require explanation. There were three Counties Palatine — Chester, Lancaster, and Durham—placed under nearly the same circumstances; and yet it was proposed to continue their courts to Lancaster and Durham, and to withdraw those of Chester. He wished the hon. and learned Gentleman would show some reason for this. He would not then press upon the House by detailing the privileges of which it was thus proposed exclusively to deprive the County Palatine of Chester; but they were very important; and yet, without the slightest reason assigned, it was proposed to abrogate them; and to substitute expensive and dilatory law at a distance, for cheap and prompt law near at hand. This would be a serious inconvenience; and he trusted that the hon. and learned Gentleman would allow the County Palatine of Chester, like the other Counties Palatine, to be excused from the operation of his Bill. The petitions, which would presently pour in thickly, would sufficiently apprise him of the general feeling on the subject.

Mr. *Jones* was not desirous of any unnecessary delay in the consideration of the measure: when he proposed the adjournment, it was far from being with any such view. He had done so because some hon. Members had gone away who wished to speak on the subject, and because it had been declared too late to bring forward other business, to which the present question did not appear to him to yield in importance. If, however, the House was disposed to go into the discussion, he for one was perfectly ready; but he must protest—[It was here suggested to the hon. and learned Gentleman, that the motion before the House was only to read the Order of the Day.—The Order of the Day was accordingly read.]

The Attorney-general moved, "That the Bill be read a second time."

Mr. *Jones* resumed—the hon. member for Brecon had talked of the practicability of removing a case to the nearest county. That, however, could not be done without a writ of *certiorari;* and there had been repeated instances in which the application for such a writ had been refused. Even lately an application had been made to the Lord Chancellor, in a case relating to land, which the Chancellor dismissed, on the ground that the question could be equally well tried in Carmarthen. He considered the time which had been chosen for bringing in the present Bill extremely improper. The Law Commissioners had conceded that the practice of the Courts at Westminster Hall required complete reform. Surely that reform ought first to be effected, before the English practice, "with all its imperfections on its head," was introduced into Wales. There was another curious point. By the annihilation of the existing Courts in Wales, a great many compensations would be rendered necessary. Now the first step ought to have been to bring in a bill for the purpose of granting those compensations. That had not been done. If the present Bill passed, therefore, many persons who had purchased their places would be deprived of them, and would be thrown on the generosity of the Legislature. He had heard the amount of those compensations estimated at a hundred thousand pounds. Was the principle which it was proposed to adopt worth so large a sum? As to the superior advantages of the English mode of judicature, he was at a loss to perceive them. He had heard a great deal on that point; but it was entirely assertion. Two committees of that House had investigated the subject. Now, with all due deference to the learned Law Commission, he must say, that they had not opportunities of obtaining information equal to those which had been enjoyed by the committees. The latter examined witnesses—the former merely proposed queries in writing, to which they obtained answers. Of the treatment of the learned commissioners he had a right to complain in common with others. Fifty queries had been sent to him by the learned commissioners, to which queries he had answered to the best of his judgment, and so much to their satisfaction, apparently, that they sent him a letter of thanks, and fifty more queries, which he answered also. He had not sought the commissioners — they had sought him. What was his surprise, therefore, to find that in the report of the learned commissioners, because he and others differed in opinion from the commissioners, they were described as being either prejudiced or self-interested. If he were so disposed, he might easily retaliate. He might observe, that two of the commissioners were Serjeants at Law, and therefore, that they were interested, because they wished the monopoly of the Common Pleas to be kept up.—He might observe, that others of the commission were interested; because, being on the Northern Circuit, they retained in their Report some of the best towns on that circuit. The fact, however, was, that these learned commissioners were ignorant of all which respected the Principality of Wales. Some of them had never been in Wales; none of them had ever been in a Welsh Court. He found in the Report of these learned Commissioners a memorial, said to be signed by the principal inhabitants of the county of Cardigan. The number of signatures was twenty-three.—Among them he did not find his hon. friend, the representative of the county; he did not find other principal inhabitants; he found the names of four respectable persons, but there were 100 as respectable in the county. But he also found the names of seventeen persons, who were merely farmers and landholders, and whom the learned commissioners, nevertheless, held out as the principal inhabitants of the county. To the memorial from Carmarthen there were the names of five or six persons sent up by the agent of Lord Cawdor; with the remark, that but for the necessity of haste, thousands would have come. When, however, a county meeting was held, only seventeen hands were held up against the petition praying that the proposed abolition of the Welsh Judicature might not be adopted. It was admitted that many parts of the Welsh Judicature were better than the corresponding parts of the English system; and it was said, therefore, let the excellencies of the Welsh Judicature be introduced into the English. He, however, wished to see those excellencies brought into use before the Welsh Judicature should be annihilated. What was to become of the records of Wales, the very props of property in that country? If the present officers were dismissed without remuneration, they, of course, would no longer attend to their preservation. It would also be a great hardship on a prisoner to be removed fifty or sixty miles farther than he was at present obliged to go, and to be tried at a great distance from all his connexions and witnesses. At present, a Welsh suitor could get a judgment signed the instant it was delivered, and as the action might be commenced three weeks before the assizes, all his trouble and anxiety were over before two steps could be taken at Westminster Hall. The cheapness, too, of the Welsh Courts, might be envied by the people of England. Only last year, a sum of 13,000*l.* was recovered in Carmarthenshire at the expense of 5*l*, while, at the very lowest, it would have cost 40*l.* in Westminster Hall. An action begun in London in Easter Term, could not obtain a judgment before September or November, leaving a dishonest man at liberty all that time to dispose of his property and make off. He did not expect either, like some Gentlemen, to see a bar follow this Bill into Wales. The rich might carry down a clever barrister, by a special retainer, but that privilege would necessarily be denied to the poor man. Fines and recoveries also were at present levied and suffered before the Judge of the Great Session—that was very convenient; that would be abolished by the present measure, which substituted no equally convenient contrivance in its stead. With the exception, he believed, of two counties, there had been no petitions from Wales in favour of the Bill; and one of them was from a few persons only, constituting the Grand Jury of one county. He trusted that Ministers would not, therefore, force upon the people of Wales an alteration which they heartily disliked. "It is never prudent," said some wise counsellors to Cromwell, "to make needless alterations; because we are already acquainted with the consequences of known establishments, and ancient forms; but new methods of administration may produce evils, which the most prudent cannot foresee, nor the most diligent rectify; but least of all, are such changes to be made as draw after them endless alterations, and extend their effects through the whole frame of Government. Long prescription is a sufficient argument in favour of a practice against which nothing can be alleged. Nor is it sufficient to affirm that the change can be made without inconvenience, for change itself is an evil, and ought to be balanced by some equivalent advantage, for bad consequences may arise, though we do not expect them." He trusted that Ministers would comply with that advice, and endeavour to ascertain all the changes which would necessarily follow from their Bill, before they attempted to carry it into effect. At least, he hoped that the present Bill would not be forced upon Wales as a boon, and that Ministers would pause before they annihilated the Welsh judicature.

Mr. *C. Wynn* did not mean to follow the last speaker through all the details he had gone into, which he thought would form a fitter subject for discussion in the committee. Of the principle of the Bill, he completely approved, though he should wish to have a full explanation of the manner in which the Attorney General meant to carry it into effect. The principle was, to complete the union between England and Wales, and give to Wales the benefit of English judicature. At present it was impossible to obtain Welsh Judges without paying them salaries far exceeding the duties they performed. They only executed their offices three weeks in summer, and three weeks in autumn, and for this duty they were paid their whole annual salary, the country deriving no other advantage from them but the little duty they performed in those six weeks. Now he thought, that the only way to make a Judge efficient was, to give him constant employement; for unless he had constant employment, he was likely to forget whatever legal knowledge he might once have possessed. What his hon. friend (Colonel Wood) had said about the power of a rich suitor instituting his cause in one of the Courts of Westminster, had been completely misunderstood. His hon. friend did not mean that the suitor could remove his cause to the Courts in Westminster after it had begun to be heard in Wales, but that he could, if he chose, commence his action at once at Westminster. The hon. Member concluded by saying, that the Bill had been drawn up hastily, and that more time was necessary for its consideration. He, however, thought that the Bill ought to be allowed to pass the present stage, because it was on every hand admitted, that the appointment of the Welsh Judges should not be made in the manner it now was.

Mr. *Rice Trevor* said, there were obviously great inaccuracies in the Bill before the House; and perhaps it would hereafter assume a very different shape; but he was bound to deal with the Bill as it stood, and so dealing with it, he must declare that he had insurmountable objections to it. It was said, that it was impossible to have three new Judges added to the twelve in Westminster Hall, unless the Welsh Judicature were given up, and so it was to be sacrificed for that change; but he could assure the House that the Principality did not think the change any benefit. It was then stated, that Wales could not, under the present system, have Judges such as she ought to have; but he begged to refer the House to the list of eminent Judges who had distinguished that country, and he would then ask if that assertion was true. If the Government chose to exert itself to find men competent to fill the situation of Welsh Judges, he had no doubt it would find, among the rising members of the bar, a sufficient number of individuals of talent to fill those situations. The removal of the Courts of Judicature would be a great inconvenience and additional expense to all parties concerned in law proceedings. The commissioners said, in their Report, that those who had local interests were not to be chiefly consulted; but if the House were legislating for Yorkshire or Kent, would it not appeal to the members for those counties? He was not one of those who thought very cheap law likely to be beneficial, particularly to the Welsh, who were very litigious; but certainly it ought not to be too dear, nor ought such impediments to be thrown in the way of administering justice, as to give the rich a monopoly of the Courts. Even the cost of letters backwards and forwards, between Wales and Westminster Hall would be found no inconsiderable expense—not much less, probably, than the cost of a suit in the Welsh Courts. Additional expense also would be caused, both to the petty and grand jurors, while the latter would probably lose the opportunity they now possessed to consult over matters that might be useful to their country. He felt himself bound to press these matters, even at that late hour, because they had all been insisted on in a petition he had lately presented to the House. He would not then, however, enter further into the subject; he would only express his hope, that the idea of cutting up or consolidating the Welsh counties, for the apprehension of that had given rise to much hostility towards the present Bill, would be given up.

The *Attorney General* could not help admitting that the Bill, in its present state, was very imperfect, but this imperfection arose from the mistake of the printers. Corrections had been made in the margin of the draft of the Bill, which the printer had forgotten to attend to. His design was, to have the Bill read a second time to-night, and to go into a Committee *pro forma*. He would wish the principles to be discussed when the Bill should be recommitted; and on that occasion he would only state sufficient to prevent the object he had in view from being misunderstood, which was, to put the administration of justice in both countries on the same footing; to allow the Judges of the superior courts to administer justice in Wales, and to make the King's writs travel there as widely as the wants of the population required them. That was the great object of the Bill, and the collateral regulations it contained were calculated to promote, not retard, the attainment of the principal object. It was perhaps natural that those who thought that multiplying the instruments of justice in every town was the best way to carry justice home to every man's door, should oppose the Bill. He could easily imagine, when it was proposed to make the metropolis the great centre of the administration of justice, whence circuits should proceed over the whole kingdom, administering justice on one uniform principle, that those who liked local jurisdictions, and were attached to the ancient system which existed in the Welsh counties, would be hostile to the alteration. In fact, they were so much attached to their own views, that they proposed to make the English system assimilate to the Welsh. He, however, wished to combine the system, as he proposed to do in the Bill. He wished to abrogate a number of separate jurisdictions, to have a new circuit, and to make such alterations as would make the administration of justice uniform. He proposed, among other things, to abridge the interval between the different terms, so as to afford means more rapidly to despatch causes. Some Gentlemen wished that the Bill should be divided into two parts, one declaratory of the principle, the other regulating the details, and at first that was his own view; but on further contemplating the subject, he found so much difficulty in separating one part from the other that he preferred uniting both into one measure. One hon. and learned Member said, the Bill was intended only to accommodate the Judges; but he knew no bill in which the Judges were less personally considered. It imposed on them more duty than ever was imposed on them, either by the injunctions of the law, or the practice of the Courts. It would abridge their vacation between Hilary and Michaelmas Terms, and between Trinity and Easter Terms, several days, so that they would have to perform their functions from November to the end of August, or the beginning of September, with no other vacation than a few days in December and the month of October. The hon. member for Carmarthen had attempted to undervalue the measure by saying that it was supported by nothing but the recommendations of the commissioners; but he really could not see that the force of that argument applied against the Bill. For who were these commissioners? They were gentlemen of the greatest learning in their profession, without the slightest tincture of partiality, and able to conduct such an inquiry to a correct conclusion. The House must decide whether or not it would take the recommendations of such men for their guide. The hon. and learned Member, however, assured the House, that the great mass of the population of Wales was in favour of retaining their present Courts; but his own impression was, that the majority of the intelligent part of the people of the Principality were in favour of some alteration. They might differ as to what the alteration ought to be, and therefore the House, having no guide in the different opinions of the people, must determine whether or not it would follow the recommendation, of the commissioners. The praise which had been bestowed on the process of levying fines and suffering recoveries in the Welsh counties was, in his opinion, rather misplaced; for a simpler and shorter method of proceeding was adopted in the Court of Common Pleas, and suitors he was sure, would derive great benefit from the change. He admitted that the Bill at present provided no place for keeping records, but that omission might be supplied, and means taken both to preserve them, and give all parties interested a ready access to them. Objections had been taken to the Bill because it did not provide compensation for those whose interests or rights might be injured by it; but to those objections he would reply, that the principle of the Bill did not go to that object. This must be provided for by some other measure; and he was willing to admit that means ought to be devised to remunerate those who had a freehold in their offices, as had been done on former and similar occasions. The Bill did not regulate the appointment of Sheriffs, as some hon. Members seemed to suppose, but it provided for the incorporation of Welsh counties to form an Assise. It had been said, however, that if three counties were thus incorporated, there would be only one Sheriff, and what then, it was asked, would be done at an election, when Members were to be returned for different counties? To this he replied, that the counties of Cambridge and Huntingdon had only one Sheriff, and yet two elections were often held in them, and by a very simple process. The Sheriff sent his deputy to preside at one hustings, while he himself superintended the business at the other: the same might be done in Wales. The sheriff might have two or three deputies, or under-sheriffs, and as they were now generally professional men, they would be more competent to the performance of such duties than the Sheriffs themselves. It had also been objected to the Bill, that it would cause a considerable increase of trouble to grand and petty jurors, who would have to travel a considerable distance to the Assize town. This objection was perhaps unfounded. As the law formerly stood, each county had to furnish twenty-one gentlemen to act as grand jurors; but by the Bill, that number would be supplied by three counties, so that only seven would come from each county. The labour would, therefore, be diminished, not increased. There would also be another advantage. At present it was sometimes difficult to find a proper person to fill the office of High Sheriff in the small counties, andby having three counties to select from, the chances of obtaining a proper person to fill this important office, would be multiplied. He knew that no changes could be made, even with a view to attain some practical good, without suffering some inconvenience; and being desirous to make the Bill as satisfactory as possible to all parties, he should propose, after the Bill had been committed, that it should be re-committed, and printed with all the details, and proposed alterations, in order to give ample time to discuss every clause. When that was done, he was persuaded that many of the difficulties now in the way of the Bill would be obviated, and then he hoped he should have the good fortune to convince Gentlemen of its justice and its advantages, and obtain their support. It had been asked, why should not each county have its Great Sessions; but he might ask, why should each district be subject to a different jurisdiction, regulated by different rules? In the County Palatine of Chester there is a Court of Chancery; but in twenty-five years, only four causes had been brought before that Court; and the learned Judge who presided in it was quite free from those reproaches concerning an accumulation of business which were heaped on other courts of Equity. The great argument in favour of these local tribunals was their antiquity; which was, he admitted, a venerable authority; but not always conclusive in matters of government and legislation, in which changes of circumstances frequently compelled alterations. He was aware that each Assize town derived some benefit from the Assizes being held in it; in Lancaster, for example, which was perhaps the most inconvenient town for holding the Assizes in all Lancashire, there were many persons who would object to another town being selected, because they would suffer by the change, though the whole county would be benefited. Thus a complaint had been made by the people of Anglesey against the removal of the local jurisdiction from their town, which would lessen their business a little. In four years, however, there had been only three causes tried in Anglesey, so that it was plain that these complaints were not dictated by any views of the public interest, but of private advantage. Such complaints therefore ought not to have much weight with the Legislature, when they were directed against a measure which promised to be of great benefit to the public: at all events, he hoped that the Bill might be read a second time, and he should be ready in the committee to make the details as palatable as possible consistently with preserving the great principle of the measure, that of regulating the administration of justice on one uniform principle throughout the country.

Sir *John Owen* could assure the hon. and learned Gentleman, that the sense of the majority of the inhabitants of the Principality was against his proposed measure; and he could also assure him that the advantage he expected to obtain in the nomination of proper persons to serve the office of Sheriff, would be of trifling moment, for at present there was no difficulty in procuring gentlemen of character and suitable station to serve that high office.

Mr. *Owen Williams* concurred with the hon. Baronet, and felt himself obliged to oppose the Bill.

Mr. *Hume* inquired if the hon. and learned Gentleman meant to continue the clause respecting arrests for debt; and if he did not, would he bring in any measure on that subject during the present Session?

The *Attorney General* said, he knew that many persons were of opinion that arrests for debt should not take place for small sums, but he had not included the clause his hon. friend alluded to in this Bill. He had refrained from doing so, not as objecting to the principle it involved, but in consequence of some communications with gentlemen out of doors. A suggestion had also been thrown out, which he thought deserved attention, as it might prevent individuals from resisting the payment of just debts; that was, to make debts bear a legal interest. A clause he thought might be drawn to protect creditors against vexatious opposition; but whether or not he should introduce any general measure on this subject during the Session, must depend on the state of business in the House.

Mr. *Brougham* rose merely to defend the Law Commissioners from the charge which the hon. member for Carmarthen had, he was convinced, under some misapprehension of their Report, made against them. That hon. Member had remarked, that in laying out the plan of new circuits, those learned persons, who were chiefly attached to the Northern Circuit, had taken great care to keep all the great towns in that Circuit. Now this was altogether erroneous, for they had actually recommended that either Liverpool or Manchester should be taken from it. The Commissioners certainly had not consulted the convenience or the profit of the profession, for they had proposed that the Assizes for the county of York should be held both at Wakefield and York; and that the Assizes for Lancashire should also be held at two places, thus materially augmenting the trouble of the Bar, without adding to its emoluments. The commissioners had also recommended an alteration of the Terms. The interval between Michaelmas and Hilary Terms at present generally extended from December 24th to January 23rd, and this interval the commissioners recommended should be reduced to ten days. They also recommended that the intervals between the other Terms should be shortened, leaving to the Judges, and to all professional men, barely time enough to keep up their knowledge of the law, to read the reports of cases which had been decided in courts where they do not practise, or at which they had not been able to attend. It was impossible for any man to do that with but three weeks vacation in the whole year. His last vacation was only three weeks, and he believed no gentleman who went the Northern Circuit ever had a longer time than that for relaxation, and for studying: business usually commenced about the 18th of October one year, and continued till the 20th of September the following year; and the interval between those periods was the only time allowed to recover from the fatigues of an arduous and laborious profession. If that system be continued, professional men must necessarily abandon every other species of literature, every other kind of learning; lawyers would do nothing from year's end to year's end but draw pleas, and address juries; and would be not very competent to fill the high office of Judge; though it was from them alone the Judges could be selected. With respect to the Bill, it had his entire concurrence—and seeing in it nothing at all inconsistent with the plan he should shortly submit to the House, to bring home justice to every man's door, he should give it his support.

Mr. *O'Connell* thought this a piebald, patched-up measure, which would do no good whatever. He objected to it on the very ground that the Attorney General supported it. He approved of local jurisdictions, and thought it was a great evil to have all law and all justice confined to Westminster Hall.

Bill read a second time.

HOUSE OF LORDS.

Wednesday, April 28.

MINUTES.] The Four-per-Cents Bill, and the Haymarket Removal Bill were read a third time and passed.

Petitions presented. By the Earl of HARDWICKE, from Wisbeach, praying that the Punishment of Death for Forgery might be abolished. By the Duke of BEAUFORT, from the Manufacturers engaged in the Woollen Trade in the County of Gloucester, against paying Wages in Goods. By the same noble Duke, from Bristol, against the Renewal of the East India Company's Charter:—By Earl GOWER, a similar Petition from Stoke, in the Staffordshire Potteries. By the same noble Earl, from several Places in the Staffordshire Potteries, praying that Climbing Boys might be disused.

REVENUE OF THE SEE OF LONDON.] On the Motion for the second reading of the Bishop of London's Estate Bill,

The *Bishop of London* said, that he wished to take that opportunity of saying a few words with respect to some observations which had been made last night in another place concerning the Revenue of his own and of other Sees, which were so inaccurate that he thought he owed it to himself and the church of which he was a member, to lose no time in giving them a public refutation. At the same time he was sure that the hon. Gentleman who had made the statement had not willingly been guilty of misrepresentation; but he had spoken from imperfect data, which made it more necessary to refute the assertion. He would in a few words correct the statements which he had seen in the only source they possessed of such information of what was said to have been asserted in another place. The assertion was this:—"The Bishop of Rochester's income was not more than that of many of the parochial clergy, whilst other Sees possessed an immense amount of income. Some of the episcopal Revenues would amount in a short time to 100,000*l.* a year." The hon. Gentleman who was said to have made this statement had mentioned Canterbury and Durham, and gave an account of their

Revenues, but he had not pointed out specifically the See which had the very large income. He had reason however to believe, that the observation was meant to apply to the See of London, for he had seen the same assertion made in a public paper a few weeks before. He was unwilling to trespass on their Lordships' time with any remarks that might be thought to relate formally to himself; but knowing the mischief which might ensue, were such an assertion to be uncontradicted, he could not allow it to go forth unrefuted. The See of London never had, and was never likely to have, a revenue to that amount; and if it were he should be puzzled, with all his respect for the inviolability of ecclesiastical property, to defend such an income. The Revenues of the See of London had been stated at eight times more than what they actually amounted to. He would assert, without fear of contradiction, that the fixed Revenues of the See did not amount to one-fourteenth of the sum stated, and that, including all the casualties and contingencies which might arise, it never had, in his time, amounted to more than one-seventh. Part of the fixed income was derived from an estate, of which the Bishop of London, in conjunction with certain trustees, was empowered to grant leases for building on, which was what he supposed was meant when it was stated that the Bishop's Revenue would hereafter be so large; but the Bishops of London had granted leases of that property for upwards of forty years, and the actual amount of the income at present derived from it was 2,700*l.* a year. The land did not now let as well as formerly: there was no probability, he believed, of its letting better; and there was no probability that in the next thirty years it would yield 1,000*l.* additional. The other sources of the Bishop's income were not increasing, but diminishing. It consisted of impropriate rectorships; and as their Lordships well knew, the value of these was not likely to increase. By these remarks he had only done an act of justice to himself and the church. He had stated the full annual value of the property; he saw no prospect of any considerable increase, and there were many incumbrances. As to the claims on the Bishop of London, their Lordships knew very well what they were, and when they were satisfied, there would not remain more than a suitable competency to enable the Bishop to provide for his family. He would only add, that the hon. Gentleman who had made the statement no doubt believed it, but it was his duty to say that it was greatly exaggerated, and he knew that similar exaggerations had gone abroad relative to the Revenues of other Sees.

Bill read a second time.

HOUSE OF COMMONS.

Wednesday, April 28.

MINUTES.] Petitions presented. For an Amelioration of the Criminal Code and the Abolition of the Punishment of Death for Forgery—By Mr. E. CLIVE, from Hereford:—By Lord BELGRAVE, from the Inhabitants of Chester:—By Mr. HUME, from the Inhabitants of Ross (Hereford):—[The hon. Gentleman stated, that he for one was very desirous to see the punishment of death abolished in all cases, except murder and treason.]

And by Sir R. WILSON, from the Inhabitants of Spratton and Creaton (Northamptonshire). Against the Beer Bill, by Mr. PORTMAN, from Gillingham (Gloucestershire):—By Colonel LYGON, from the High Sheriff, Magistrates, and Corporation, of Kidderminster:—And by Sir JOHN WROTTESLEY, from the Magistrates of the County of Stafford; suggesting also that no person should be allowed to have a License who did not produce a Certificate of good Character from the Churchwardens and Overseers of his Parish. Against the Truck System, by Mr. EGERTON, from the Inhabitants of Stockport (Cheshire). By Sir G. CLERK, from the Dalkeith Farming Society, praying that no additional Duty might be imposed on British Spirits without a corresponding Duty being imposed on Rum. By Mr. RICE TREVOR, from the Magistrates and Grand Jury of the County of Carmarthen, against the Abolition of the Welsh Judicature. And by Sir F. BURDETT, from the Commissioners for Paving St. James's, Westminster, against the Watching and Lighting Bill.

LAW OF DIVORCE.] Mr. *Peach* having moved the Order of the Day for going into a Committee on Muskett's Divorce Bill,

Mr. *Rice* took that opportunity to express a hope that the unanimous feeling of the country with respect to the law affecting Divorces would have a due weight with the Government, and that a repetition of those proceedings which they had recently witnessed on another Divorce Bill would be avoided by an immediate alteration of the law. It was the unanimous opinion both in the House and out of the House, that the House was not a fit tribunal to try such causes, and it would be more advantageous to the public, as well as more creditable to Parliament, if a particular tribunal were established, to decide and determine all such cases cheaply and expeditiously.

Mr. *Hume*, before the Bill was disposed of, begged to say, that he regretted much no Member of the Government was present, that he might urge on him the necessity and the propriety of putting an end to such a mockery of justice as these bills presented, by some effectual alteration in the Law of Divorce.

Dr. *Phillimore* said, that if the Government did not come forward with some proposition on the subject, it was his intention to move for leave to bring in a bill to amend the Law of Divorce.

SCHEDULE OF TAXATION.] Sir *J. Newport* complained of the non-performance of the promise of the Chancellor of the Exchequer, viz. that an amended Schedule of the comparative Taxation of Great Britain and Ireland should be produced, and put into the hands of Members. It was hard to call upon the House to enter upon the discussion of the subject without having had the documents necessary to its elucidation. He complained also that in the Consolidation Bill, additional Taxes had been introduced, of which no notice or explanation had been given; and he considered the conduct of the Minister highly culpable in that respect.

Mr. *Herries*, in the absence of his right hon. friend, explained the difficulties under which he had laboured on the subject; and expressed his persuasion that the paper in question would be presented as soon as possible.

Sir *J. Newport* repeated his statement with respect to the introduction of additional Taxes into the Consolidation Bill; and declared his conviction, that as to the intended Taxes, they would have the effect of decreasing instead of increasing the Revenue. He never knew a Consolidation Bill introduced which did not, like this, augment the burthens of the people.

The *Chancellor of the Exchequer* [*having now entered the House,*] stated the reasons which had retarded the explanation for which the hon. Baronet was desirous. There appeared to be such a general anxiety before the holidays to see the Schedule of Duties, that he had moved for leave to bring in a bill, in order that it might be printed without making any remarks, deferring the explanatory statements until after the recess, when he expressed his intention of moving its re-committal for that purpose. That no statement had been made, arose entirely from his wish to satisfy the demands of the House; and the right hon. Baronet had done him injustice if he had attributed to him any wish to take the House by surprise.

Dr. *Phillimore* objected to the introduction into the bill of an indirect Taxation on law proceedings. He urged the speedy production of the Schedule.

Mr. *Hume* concurred with his hon. friends, that many increases of Taxation had been made in various departments, of which no notice had been given. The Chancellor of the Exchequer had mentioned an increase of 110,000*l.* on Stamps in Ireland, and had stated that the increase was confined to Ireland; it now however turned out, as he understood, that an increase was also to take place in England and Scotland. He hoped there would be no longer delay in furnishing explanations on the subject.

The *Chancellor of the Exchequer* expressed his desire to give all the information that could be required.

TERCEIRA.] Mr. *Grant* commenced his speech by reading the Resolutions which it was his intention to submit to the House, and which were as follow:—

"That prior to the 12th of December, 1828, her Majesty the Queen Donna Maria 2nd had been recognized by his Majesty, and the other great powers of Europe, to be legitimate Queen of Portugal; and that at the period above-named the said Queen was residing in this country, and had been received by his Majesty with the accustomed honours of her royal rank.

"That on the said 12th of December, the Island of Terceira, part of the dominions of the Queen of Portugal was governed by authorities, civil and military, in allegiance to her Majesty.

"That on the said 12th of December instructions were given by the Lords Commissioners of the Admiralty, stating that 'a considerable number of Portuguese soldiers, and other foreigners, were about to sail in transports from Plymouth to Falmouth, and it is supposed they intend making an attack on Terceira, or other of the Western Isles; and his Majesty having been pleased to command that a naval force should be immediately despatched to interrupt any such attempt, you are hereby required and directed to take the ship and sloop named in the margin under your command, and to proceed with all practical expedition to Terceira; and having ascertained that you have succeeded in reaching that Island before the transports alluded to, you will remain yourself at Angra or Praia, or cruising close to the island in the most advisable position for intercepting any vessels arriving off it; and you will detach the other ships as you shall deem best for preventing the aforesaid force from reaching any of the other islands.'

"That on the arrival of the naval force sent to Terceira, in pursuance of these instructions, the commanding officer found that island in possession of and governed by the authorities above-mentioned.

"That in the beginning of January, 1829, a number of Portuguese, subjects or soldiers of her said Majesty, voluntarily left this country, with a view of repairing to the said island, and that their departure and destination were known to his Majesty's Government; that they appear to have embarked and sailed in unarmed merchant ships, to have been unaccompanied by any naval force, and themselves without any arms or ammunition of war.

"That these unarmed merchant ships and passengers were prevented by his Majesty's naval forces, sent for the purpose, from entering the harbour of Porto Praia; and that after they had been fired into, and blood had been spilled, they were compelled, under the threat of the further use of force, again to proceed to sea, and warned to quit the neighbourhood of Terceira and the rest of the Azores, but that they might proceed wherever else they might think proper.

"That the use of force in intercepting these unarmed vessels, and preventing them anchoring and landing their passengers in the harbour of Porto Praia, was a violation of the sovereignty of the state to which the Island of Terceira belonged; and that the further interference to compel those merchant ships or transports to quit the neighbourhood of the Azores, was an assumption of jurisdiction upon the high seas, neither justified by the necessity of the case, nor sanctioned by the general law of nations."

The hon. Member stated, that he read the Resolutions in order to make the whole subject impressively known to the House. He then proceeded to observe, that some discussion had taken place on it during the last Session, on the Motion for Papers respecting it, which had been made by his hon. and learned friend, the member for Knaresborough. Ministers had consented to give the papers, and they were now on the Table. But they by no means afforded all the information which was necessary, and the House had a right to complain of their vague and unsatisfactory character. It was no disparagement of Ministers to require papers in corroboration of their assertions; and as they had already produced some papers, they had established this proposition—that the question was no longer one of confidence, but one of proof. That being the case, he thought the House, with respect to some important points, was left without any information, except what rested on the mere declarations of Ministers, which could only be explained by the production of further papers. The House had not been fairly dealt with on the subject. Still, however defective the papers already produced were, they afforded sufficient ground for his Resolutions; and he should, therefore, proceed to point out to the House the reasons on which they were founded. Before, however, he entered on the main question, he wished to make one remark. His Majesty's Government had resolved that this country should maintain a strict neutrality between the two parties in Portugal. On the wisdom or the expediency of that resolution he would offer no remarks, nor would he give any opinion, because he did not wish to draw the attention of the House from the topic which he was more particularly desirous of bringing before it. He would therefore assume that we were in a strictly neutral position between the parties, and on that assumption his remarks would be based. But he begged to observe, that neutrality, as all the great writers on national law had stated, was of two kinds—voluntary and stipulated. It might exist with reference to two belligerents, with one of whom we had, and with the other of whom we had not, any previous alliance or friendship. What then was our position in respect of neutrality with the two parties in Portugal? With Don Miguel we had never had any treaty of alliance, or any compact whatever. More than that, we had denounced the cause of Don Miguel as unjust; we had denounced Don Miguel himself as a usurper, and as deserving of every opprobrium which could be cast on the most profligate person who had ever unjustly acquired a throne. It was clear, therefore, that our neutrality, as it respected

Don Miguel, was voluntary; that it was a neutrality which we observed for our own interests, not for those of Don Miguel, with whom we had no compact nor understanding. What resulted from this? Why, if it pleased us to-morrow to convert our neutrality with reference to Don Miguel into hostile relations, he would have no right to complain, and the character of England would be untarnished. But how different was the case with respect to the Queen Donna Maria! She was the descendant and representative of a long line of Sovereigns with whom this country had concluded several treaties of alliance, and had long maintained the most intimate intercourse. We had acknowledged her cause to be just. We had recognized her as the lawful Queen of Portugal. To her we were bound by compact to be at least neutral. What resulted from this? That if we were to convert our neutrality with reference to Queen Donna Maria into hostile relations, she would have a right to complain, our faith would be broken, and the character of England would be tarnished. Nothing could be more clear than our relations with the two contending parties. With the usurper of Portugal our neutrality was voluntary, and the maintenance of it was optional; with the lawful Queen of Portugal our neutrality was the effect of previous stipulations, and we could not abandon it without dishonour. To Don Miguel we had shown every degree of alienation short of actual war: to the Queen Donna Maria we had shown every degree of friendship short of actively espousing her cause. It followed, that if circumstances should compel us to depart from the strict line of neutrality which we had prescribed to ourselves, the departure ought to be in favour of the party with whom we had previous engagements of amity, and not in favour of the party with whom we had no such previous engagements. If any doubt whatever existed on the subject, that doubt ought to be thrown into the scale of the former. He would now proceed to consider the course of conduct which had been pursued by his Majesty's Government; and in so doing, he would adhere to the order of time, as calculated to render the statement more perspicuous. In the first place, he could not help thinking it rather extraordinary that, although the Portuguese refugees came to this country in August, their presence did not seem to have attracted the attention of his Majesty's Government until it was brought under their notice, in the middle of October, by the letter of the Marquis Barbacena. Professing neutrality, it was undoubtedly the right of our Government to require that the refugees should leave this country; it was natural that our Government should wish these refugees not to remain embodied ready for war; as far then as obliging them to leave this country, the Government, he admitted, was quite right; but it had no right to direct the course of these refugees, and in prohibiting them to go either to Portugal or the Azores, it had plainly overstepped the limits of its rights. Neutrals could not possibly interfere with any contending parties beyond the bounds of their own territories. The duty of a neutral was to be passive, not active; neutrals ought to be abstinent, and not interfere beyond their proper jurisdiction. A great writer has said, that neutrals ought not to interfere on the principle of rendering equal justice to both parties; they ought not to interfere at all. It was impossible for any neutral to know what equal assistance is, for he could not form any accurate judgment of the situation of the parties. If a neutral had a right to interfere, he must have a right to enforce his interference. A weak neutral would respect the law of nations, but a strong neutral would disregard them. The English Constitution said, that if a slave entered her territory he was free; but Ministers said, that when the martyrs to liberty put foot upon her shores they became slaves; and this they termed the law of nations. But they proceeded further, and prevented them going to their own country. Not contented even with controlling their actions here, the Ministers wished to sever the connection between these refugees and their country and their Queen. At every step a new principle started up. The Minister wished to establish in all cases the dependence of colonies on the mother country, and to lay it down as the law of nations that the fate of the latter ought always to determine the fate of the former. The Portuguese colonies were, therefore, to follow the example of the mother country, and the usurper who was *de facto* Sovereign of Portugal, was also legitimate sovereign of the colonies *de jure*. According to their despatches, the Sovereign *de facto* of Portugal, was *de jure* the Sovereign of the colonies, while at the same time they acknowledged a Sovereign *de facto* of these colonies, whom they also recognized as the Sovereign *de jure* of Portugal itself. Such was at least the language held in the papers submitted to Parliament, and it was an inconsistency Government could not extricate itself from. The only justification of Government was, that civil war was raging in Terceira; but the papers before the House proved directly the reverse. The first proof of the internal condition of Terceira was the letter of the Marquis Barbacena. This was dated the 15th of October, and it stated, that Terceira remained faithful to its Sovereign. On the 18th of October this was answered by the Duke of Wellington, who did not, even by implication, deny this statement. The next evidence was the letter of the Marquis Palmella, of 20th December. This stated that Terceira remained perfectly true to its legal Sovereign, and had never swerved from its allegiance. It inclosed an address from the authorities of the island, professing the strongest fidelity to their Sovereign. On the 23rd December the Duke of Wellington answered this letter. In that answer nothing was said about Terceira being in a state of civil war, although it was written under an impression that the Marquis had abused his good faith. If the Duke of Wellington had thought that civil war had raged in the island, that would have formed the climax of his assertions; but the letter showed that Government was not at that time in a condition to refute the statement of the Marquis Palmella. His Grace said, the troops referred to were the same that the Marquis Barbacena wanted a convoy for, to Terceira, and of which General Stubbs was in the command, and the same that Marquis Palmella wanted to send to the Brazils. The Duke therefore said, that he should not advise his Majesty to give the Marquis the permission he asked, but he did not say one word about Terceira being in a state of insubordination. It was not till the 30th of December that the Duke of Wellington found out that Terceira was in a state of civil war. He wished to know from whom, and at what precise period, the Government obtained this information. Captain Walpole first communicated the information of his arrival off the island in a letter dated February 14th, one month after he received his orders. He then said, that the country was in possession of Guerillas, favourable to Don Miguel, but that the garrison consisting of 750 men remained faithful to Donna Maria. This was, according to the ordinary rules of diplomacy, sufficient to establish the fact that the island was obedient to Donna Maria. But at the time the population amounted to 20,000 persons, and was it to be believed that this population would continue tranquil and submissive, if they had been devoted adherents to Don Miguel. The tranquillity of this population was more remarkable when it was known that Tova, the Governor of Terceira, was a creature of Don Miguel's, who had displaced all the officers favourable to Donna Maria, and was not himself removed till he had done much mischief. This person had endeavoured to get a few persons together and to proclaim Don Miguel, but it was also true, that he was eminently unsuccessful. An invasion was subsequently attempted, but the peasantry, far from assisting the invaders, resisted them. The information then possessed by the Government was incorrect, which was also the characteristic of what it had stated respecting money being coined at Terceira with republican emblems. This money, it was subsequently proved, bore the inscription of Donna Maria. There never was any design of establishing a republic entertained, and neither the people nor the garrison had ever swerved from their allegiance to the legitimate Sovereign. Our Government described the departure of a few unarmed men as a hostile attack on Don Miguel, but as Terceira never was in his possession, a more incorrect expression was never used to cover a wanton aggression. The Duke of Wellington, in one of his letters, described this country as having been asked to convoy a hostile expedition to Terceira; but this was obviously a mistake of that great man. The Marquis de Barbacena wrote to him to say that Terceira was then in the possession of the legitimate Sovereign, and he proposed that if, on the arrival of the men it was found to be occupied for Don Miguel, that then the men should not land, and he proposed that the convoy should go with them to see that this was performed; to him this appeared very like good faith, and the least like a hostile attack of any expedidition he had ever heard of. In the first place, the island was in possession of friends, and in the next place, if it were not, the Marquis asked for a convoy of a man of war to prevent any hostile attack. This mistake, though, perhaps ludicrous enough, was not half so laughable as the terms used in the instructions given to Captain Walpole, which were such a farrago of nonsense as he had never before read, "Whereas," they said, "a considerable number of Portuguese troops are about to sail in transports from Plymouth or Falmouth, and it is supposed that they intend to make an attack on Terceira, or some other of the Western islands;" but these troops who were going to make this supposed attack, were without arms, equipments, or ammunition. Well might the Marquis Palmella say, in a letter which, for its fidelity and dignity of expression, placed him high in the ranks of diplomacy, "I had hoped, that you would have taken into consideration the distinction I had drawn in my letter of the 20th of this month, namely, the essential difference which exists between the intention entertained by the Portuguese refugees, of proceeding to the island of Terceira, and that which you attribute to them, of going to attack some part of the Portuguese territory. I do not find in your Excellency's answer a single word relative to this distinction, although it appears to me evident." The document went on to observe, "that the refugees will leave the country as they came, without arms, and successively, as the transports are ready to receive them." Here then was an invading expedition, not only sailing without arms, but successively, as transports could be provided for them. It had been urged, however, that arms had been sent from this country to Terceira in the first instance; but if this had been permitted, he asked, would it violate neutrality to let these persons follow? It was notorious that arms and ammunition had been purchased, both at Gibraltar and in this country, and sent both to Portugal and Terceira, but because there were arms at Terceira, that did not seem to him a reason for stopping those persons in proceeding to that place. It was said, that the arms were sent by a Brazilian frigate: but surely it made no difference whether they were sent by a merchant ship or a vessel of war. According to the doctrines of Ministers, however, he must conclude that the whole question turned on the kind of vessel, which conveyed the arms, and that our neutrality was violated by the single fact of their having been sent by a Brazilian frigate. The arms appeared, however, to have nothing to do with the question, for Captain Walpole was ordered to stop these people should they proceed to Madeira, and Madeira was in possession of Don Miguel, and no arms had been sent thither. On that place they could make no attack. The plain fact was, whether the interference were just and proper or not, it was another question, that our Government had resolved, that these people should quit England, and should not be allowed to go to Terceira. He would then speak of the conduct of Government in enforcing its prohibition; and here its proceedings were tantamount to war—to direct and positive war. If those persons had had the power to defend themselves, what would have been the consequence? Our Government chose a victim, well knowing whom it could insult and trample upon. It knew that it was not dealing with France, Russia or the United States, but with fugitives, and these were the victims on whom our Government showered its gratuitous neutrality. Even war itself ought not to be commenced in such a summary manner; the law of nations required something to be said before the blow was struck: and although we had commenced war without the usual preliminaries in the attack on the Spanish frigates in 1804, and on Copenhagen in 1807—the persons we attacked being nominally our friends, but actually our enemies—our acquittal had not yet been pronounced by the nations of Europe. Two or three of these vessels had their boats out to land the people at Terceira when the English frigate appeared. Now nothing could be a more gross outrage of the law of nations than for a neutral to interfere within the territory of another country, or within that distance from the shore to which all writers considered the territory of a country to extend. This was not enough too, it appeared; for Captain Walpole had a roving commission given him, with instructions to stop these people wherever he might meet with them They were not to be allowed to land in other places, they were to be chased from every spot they might select for their security, particularly if that spot were within the territory that acknowledged the sway of their own Sovereign, and he did not believe that the most determined partizan of Don Miguel, unless animated by the most rancorous hostility towards these unhappy fugitives, could have done more to support the cause of that prince. On what grounds our Navy had a right to interfere with these unarmed, defenceless men, and chace them over the ocean, he had yet to learn, being certain that no authority could be found for it in the laws of nations. This attack on the subjects of the Queen of Portugal took place at the very time that she was welcomed in this country with the honours due to her rank. It was a strange thing, as part of the conduct of the Government in this proceeding, that it chose, the very moment when Donna Maria was received in the Palace of our ancient Kings, to turn back her own subjects from the only spot of earth which acknowledged her control. He did not impute any blame to our gallant Officers upon the occasion; they only acted under orders, which were not the less reprehensible because they had not been followed by great bloodshed. The ships might have been compelled, by resistance or flight, to fire broadsides instead of a single shot, upon those unfortunate individuals, when the destruction of life would have been appalling, and therefore, although the loss was trifling, no argument in favour either of the justice or the humanity of Ministers could be founded upon it. There was another point connected with this transaction which appeared to him still more inexcusable. It appeared by the letter written on the 18th of October by the Duke of Wellington to the Marquis Barbacena, that his Grace had actually given these refugees permission to go to Terceira. In that letter it was said, that if the Portuguese subjects of Donna Maria desired to make war upon the Azores, instead of Portugal, they were at liberty to do so, provided they went as individuals. Nobody could put any other construction on this passage, but that his Grace gave his assent to the refugees going unarmed and unprovided with all the munitions of war to Terceira. They so understood this passage; they did go unarmed, and as individuals, and they were repulsed. Being without arms, and without warlike stores, they were as little like a hostile armament as any body of settlers going to the Swan River or New South Wales. He would venture to contradict the assertion which had been made that one-half of this body of men consisted of Germans. He admitted that 260 men, raised in, Germany had touched at Plymouth, but they received neither arms nor provisions, nor had they spoken to anybody, except two of the officers of the dépôts. These Germans then went to Madeira, and from thence to Terceira, whence they, after having been received in the name of the lawful Sovereign of that island, were driven away by the armed vessels of a neutral power. Many insinuations had been thrown out, and many charges had been made against the persons who had conducted this expedition. They were refugees. They were unfortunate, and they were now absent; and this, he thought, might have occasioned some little delicacy in condemning them. But what had they done? Did they, in the face of Europe, take oaths which they forthwith laughed at—steeping themselves in the guilt of fourfold perjury? Did they violate the Majesty of our King by entering into solemn obligations, which they at the earliest opportunity tossed to the winds? Did they go to Portugal and take oaths innumerable, which they subsequently trampled under foot, in the presence of a betrayed, an insulted, and oppressed people? Did they desecrate Thrones by the commission of the basest and most revolting crimes? No; and yet he had heard of such things having been done, which had not excited any feeling of anger or resentment, and had not led to any breach of neutrality. A charge of falsehood and treachery had been brought against these unfortunate men. He had looked into the papers, and could not see anything in the least suspicious, except the change of destination. On the 15th of October the Marquis Barbacena proposed to lead the refugees to Terceira; on the 20th of November the Marquis Palmella proposed the Brazils—and what could have been more natural? An expedition had been sent from Portugal against Madeira, and it was known at the time that it had succeeded, and consequently the presumption was, that Terceira, which was a sort of dependence on Madeira, had also fallen into Don Miguel's hands; but then, on the 20th of December, it was ascertained that Terceira was still safe, and what could be more proper than for the Marquis Palmella to again propose to direct his course towards the only place which continued to acknowledge the sway of his Sovereign? He could not admit that any treachery had been used; but supposing that some disingenuousness had been employed, it was, after all, but the struggle of patriotism against power; and certainly the charge of ill-faith came with a very bad grace from those who had themselves forced the parties thus accused into it. There was another argument now much insisted upon, although formerly it had been never urged. It was said, that if the Government were by fraud betrayed into a violation of the neutrality it professed, it might follow the guilty parties into any foreign port. Now if this were so, the law of nations had lost that inflexible character it formerly possessed; it was no longer the protection of the strong against the weak, it was a mere rule, to be formed by a view of expediency alone, subject to all the follies and caprices of those who judged of the expediency. The law of nations, in that case, would be altogether uprooted, and society would be driven back to that state of confusion and violence from which it had been rescued by this international compact. But he would ask, was this case of neutrality a new one? Certainly not. He would, however, only allude to the case of 1819, which was the latest. The Foreign Enlistment Bill was then passed; prior to that, vessels laden with warlike stores, in contravention of our neutrality, openly left our ports: after that, vessels similarly laden left our ports under false pretences; and it never occurred to Spain, or even Turkey, to demand that we should follow those vessels to a foreign port. At that period, too, it was laid down by Mr. Canning, respecting the municipal law, that it did not extend beyond our own ports; and doubtless this was much more true of international law. From that principle we could not depart without infringing on the rights of other nations: in the case under consideration, we had departed from it and, our proceedings were condemned, both in the new world and the old. Reflecting men had expressed their opinion of our conduct, and the nature of it was proved by the satisfaction of all the enemies of freedom, and by the sorrow of all its friends. The practical question was, why we had not stopped those persons in our own ports? But the defence was, that they had left this country under false pretences, and had sailed for Terceira before we could stop them, or knew anything about it. Was this so, or was sufficient time allowed for Government to be aware of their intentions? If there was anything of correctness in the dates, Government had ample time; for on the 20th of December, the Marquis Barbacena gave notice to the Duke of Wellington that it was the intention of the refugees to proceed to Terceira, and a correspondence of a fortnight took place, the one urging their right to go to that place, the other denying it: what then became of the defence as to time? It was blown away by the dates of the Minister's own correspondence. The right hon. Gentleman, in conclusion, stated, that he had adverted to the prohibition for the refugees to proceed to Terceira, he had shown that the reasons given by the Ministers to justify that policy were without foundation, and he concluded that there was visible, throughout the transaction, the same narrow and illiberal spirit which had for some time marked our foreign policy; which had made us submit to the insults and endure the humiliation of being the servants of foreign despots, which had lowered us in the eyes of the world, and destroyed the moral influence of England. The course of the Ministers, he contended, had been to endeavour to induce the Emperor of Brazil to sacrifice Donna Maria to the usurper of her rights, and the enemy of her branch of the family. They had reversed the ancient and honourable policy of Great Britain; they had extended friendship to the traitor and the tyrant, and had treated with cruelty the proscribed patriot. To Don Miguel they had shown every friendship short of an avowed recognition of his usurpation, and to Donna Maria they had shewn nothing but indifference and neglect—not to say hostility. Words had, indeed, been used in another place to justify a stronger assertion; for it had been stated, that the question of recognizing him was one not of right but of policy; implying that his usurpation was to be considered lawful, now that Great Britain had contributed to ensure its success. He did not envy France and the Netherlands the glory they had acquired by their conduct to the refugees; but he regretted that England had been found wanting in those qualities which were considered peculiarly her own. If England were anti-liberal, England could never be more than a secondary power. She never could maintain her ascendancy—and he spoke not of the vain ascendancy secured by conquests and bloodshed, but of that secured by the buoyancy of her principles—unless she placed herself in the van of liberal opinions. Then would she rise to her native place, which was in the front of the enlightened portion of Europe. Great hopes had been formerly entertained that, by the influence of England, nations already in the career of freedom might have been assisted, and others might be led into the same glorious course. It had been hoped that Austria, with its vassal thrones, and Spain with its banished patriots and enslaved states, might have been set free, and that the great crime by which Poland had been blotted from the map of Europe might be retrieved; but now the friends of freedom throughout the world were dismayed, and its enemies exulted. It was in the power of the House to check the one, and extinguish the other feeling; and he now called upon it to record its opinion in agreeing to resolutions touching this transaction which had inflicted a greater stain upon the English character than any he was aware of, and which every lover of his country would wish to see wiped away. The right hon. Gentleman then moved his first Resolution.

Lord *F. L. Gower* feared he might be charged with presumption in rising to address the House immediately after the eloquent appeal which had been made to it by the right hon. Gentleman; but he trusted his usual disinclination to trouble it, except in concerns connected with his office, and the zeal which he felt for the honour of the country, might be considered to form a sufficient excuse. He had for some time looked with considerable anxiety upon the laconic notice which had been so long on the Paper of the House, which was so well calculated by its obscurity to conjure up phantoms of cases, which individuals might suppose would be brought forward; he apprehended a great deal more from the experience and ability which the right hon. Gentleman was confessedly so able to bring forward in support of his view of the question, than from any conclusions which he could draw from the papers themselves. The right hon. Gentleman had entered into a subtle discussion respecting the difference between stipulated and voluntary neutrality. In this it was unnecessary to follow him, as neutrality had been, by his own confession, agreed upon as the policy of the State. It had also been remarked, that it was singular those Portuguese should have remained so long in this country without having attracted the notice of Government; but in fact, there was a disinclination to enter upon any obnoxious course of proceeding respecting those unfortunate occurrences. He wished to supply an omission of his right hon. friend's, and to observe, that the good offices of England had been used in Spain in favour of these refugees, and the result was, that they were treated with greater kindness than before, and longer time was allowed them to leave the Spanish territory. They were afterwards received in this country with hospitality, which they subsequently abused. His right hon. friend had said, that these people were treated like slaves, and that Government had no right to dictate where they should go. He denied that Government had done so: it had only declared where they should not go. Many of the right hon. Gentleman's arguments were founded on very questionable facts. Captain Walpole's report as to the state of Terceira rendered his right hon. friend's second Resolution very questionable in point of fact, and therefore it could not be classed with some of his other propositions, from which, though containing incontrovertible facts, his right hon. friend had drawn very questionable conclusions. The right hon. Gentleman was mistaken in stating that Terceira was at the time under the actual government of Donna Maria. There was a party in her favour, and probably her adherents were much stronger than their opponents; but still there was a division in the place. The right hon. Gentleman had been at great pains, but, as it seemed to him, very unsuccessfully, to divest the persons who went out to Terceira of a military character. The garrison there had effected a military revolution, and arms were provided for the use of these refugees on their arrival. The right hon. Gentleman had spoken as if these persons were perfectly guiltless of drawing these proceedings on themselves; and as if, when they had once quitted the ports of England, they were fully entitled to all the benefits of neutrality. Did the right hon. Gentleman forget the three-fold warnings of the Duke of Wellington; and did not their inattention to those warnings take from the force of the right hon. Gentleman's assumption? In the letter of the Duke of Wellington, giving the permission to depart, the expression, "as individuals," had been employed, and the noble Duke much regretted the misconstruction which these persons had put upon that expression—a misconstruction which the right hon. Gentleman had also unfortunately attached to it. Rightly understood that passage could not be taken as implying a permission to go to Terceira. He thought that in this discussion the merits or demerits of the opposing parties ought not to be considered. His right hon. friend had, however, introduced them, and the cheers given to that part of the speech convinced him, that if the parties had been reversed—if Donna Maria had been in possession of the throne, and Don Miguel had gone from this country to gain over Terceira to his party, and if he had been sunk in the port of Praia, nothing would have been said of the matter in that House. He knew it was said, both in and out of the House, that this country had been lowered in public opinion in Europe, by her conduct towards Portugal. The credit of this country with foreigners depended on two considerations; first, the state of our internal prosperity and power; and secondly, on the opinion entertained abroad, as to the disposition of this Government to make use of all its resources, whatever they might be. With respect to the first there was then no question, and Government was not called on to answer for any want of national power; and with respect to the second, he confessed he entertained no very high estimate of its worth—knowing, as he did, how much it was influenced by erroneous notions as to the nature of our people and our institutions. He knew how greatly difficult Mr. Canning had found it to prevent, on the one hand, that which was called the liberal party from entertaining unfounded expectations, and on the other to defend himself from the charge of unwillingness to support them. That right hon. Gentleman had been praised for planting the standard of the constitution in Portugal, and blamed for not planting it in Spain? and he had been accused, with reference to the latter country, of tarnishing the national honour by truckling to France. Opinions thus unsteady and inconsistent deserved little notice, and he cared little for those of men who, when not able to maintain their own Government, quarrelled with us for not expending English blood and treasure in its support. He must say, that he had often heard promises of national gratitude, but had never been happy enough to see them observed. They might be kept through the brief intoxication of a pageant or a review, but was soon forgotten in the actual business of political life. He believed, too, that much of the national affection, of which so much had been said, would, upon examination, be found to smell rather strongly of the wine casks of Oporto. The noble Lord here read a letter from Lord Aberdeen to the Admiralty, dated Jan. 24, 1829, and directing that a quick sailing vessel might be dispatched to prevent the vessels of Don Miguel from sinking or destroying those of the emigrants. His Lordship added, that in fact, additional instructions had been sent out to the commanders of our ships to supply the refugees with whatever they might want, and that those instructions had been fully obeyed. He contended that these facts showed the liberal disposition of this Government in its conduct towards the refugees. Considering, therefore, there was no ground whatever to call for the passing of the Resolutions of the right hon. Gentleman, there was no other course open to him but to give them a decided negative. He therefore moved the previous Question.

Dr. *Phillimore* said, that he had been extremely anxious to ascertain how the person put forward by the Government on that great occasion, would deal with arguments as powerful, and combat propositions such as those which had fallen from his right hon. friend who had introduced this discussion, which appeared to him as incontrovertible; but, after paying the utmost attention to what had fallen from the noble Lord, he could not but complain that the noble Lord had declined the real argument in the case, and had confined his defence of the Government to the merely petty technical parts of the subject. The noble Lord had totally misapprehended the point at issue, which was, whether, on the papers now before the House, there was not enough to show that the Government of this country had been guilty of a gross violation of the law of nations? On all the principles of those laws, without going out of these papers to seek for evidence, without travelling either to the right or to the left out of the brief, if he might be allowed so professional an expression, which the Government had put into his hands, he feared he must answer that question in the affirmative. Since he had the honour of a seat in Parliament, no question had exceeded this in importance; inasmuch as for a century and a half since the reign of Charles the 2nd, up to this time, there had been no imputation on the public conduct of this Government so strong as was conveyed in these papers. It was the glory of the times in which we lived, and it was the happiness of the great commonwealth of Christendom, that the law of nations had now throughout Europe acquired the stability and precision of positive enactments: its precepts were of universal obligation, and not of difficult comprehension. Great lawyers and publicists might expound and apply its abstruse parts; but no statesman could be ignorant of its general principles. The present case involved merely the elements of international law, which he was desirous of stating in the plainest manner. Those who argued on the same side with him might be deemed pedants for supporting their views by a reference to the law of nations; and for his own part, being satisfied that a conformity to that law was the sure way to maintain our high national character he should be content to bear this reproach, even if it could be justly urged, when his object was to bring back the Government to the path of rectitude and honour, though in this case the mere elementary principles of international law were concerned; to refer to which, like referring to the rules of morality, might be called trite, but could never with propriety be called pedantic. The only principles to which he should have occasion to refer, were like the a-b-c of the laws of nations. All the great writers on those laws—all the eminent Judges who had expounded and administered them, had agreed upon three propositions which he would now state. The first was—that in time of peace it was not allowed to any State whatever to search, stop, or chase any vessel on the high seas, if that vessel had proceeded beyond those limits which common convenience had assigned as the boundaries of each country. The second was, that the above principle was to be applied in the spirit of the strictest equality. All States were, with reference to its operation, equal—the smallest and the greatest were entitled to the same protection from it. The same learned authorities had unanimously determined the third proposition—namely, that the ports and harbours of each country were the same as the body of the land itself, and that, in fact, they were an integral part of the country. We had no more right, therefore, to commit acts of hostility in a port, than in the center of the territories of a foreign State. To these three propositions he begged to direct the attention of the House. There were many remarkable instances of the adherence of this country to these principles in the course of the last war; and he would quote two cases to shew in what manner the first of these propositions had been acted on. Every one knew how earnest this country had been with respect to the Slave-trade. During the last war an American vessel engaged in that traffic had been detained by one of the King's cruisers. That vessel was brought in for adjudication, and the two countries having both prohibited the trade, and declared it to be contrary to justice, and the right of search being justified by the existence of war, the Court of Admiralty condemned the vessel to be confiscated. But let the House mark the difference of the jurisdiction exercised in time of peace. France also had agreed with us as to the propriety of abolishing the Slave-trade, and on the coast of Africa one of our ships found a French vessel, *after the pacification of Europe*, engaged in the trade. The slave-ship was brought in for adjudication; but the Court laid it down, that although the traffic was illegal, and contrary to law and justice, any exercise of the right of search was, during peace, contrary to the law of nations; and though it stated that this trade was undoubtedly as contrary to humanity and justice as it was to the laws of the two countries, yet that in a time of peace there was no right of search existing on the high seas, and the French-ship was ordered to be restored to its owners. The former case, that of the American ship, was pressed upon the consideration of the Judge; but the answer was, that the existence of hostilities gave in that case the right of search; but in time of peace, whatever might be the illegality of any traffic, it was of so much importance to prevent every interruption to free-traversing the high seas, that the seizure was unjustifiable, and the vessel must be restored to its owners, because there was no warrant, in the absence of hostilities, for any party to stop the vessel. He did not think that any stronger illustration could be produced of the proposition, that during peace no State had a right to search, stop, or chace any vessel on the high seas. With respect to the rule relative to the ports and harbours of a country, and to some distance from the shore being considered part of the territory of that country, he should quote an ordinance taken from the code of maritime law given to the Belgians so early as the year 1563, and a breach of which was rendered capital. It was as follows: "*Positâ capitis pœnâ neque in mari vis fieret vel suis subditis, vel sociis vel peregrinis, sive belli sive alterius rei causâ, intra conspectum a terrâ vel potius a portu.*" Bynkershoeck's reasoning upon this was worthy of attention:—"*Intellexit igitur imperium porrigi quousque e terrâ prospici datum est, et sunt auctores qui sic sentiunt, sed id nimis laxum vagumque esse ostendii, ratus imperium finir, ubi finitur armorum potestas.*" That was now the rule of international law throughout Europe, and the jurisdiction of a country was taken to extend (since the invention of fire-arms) to within cannon-shot of the shore (supposed to be a distance of about three miles.) Lord Stowell's decisions on questions of this description were quite clear. The principle was laid down by him, in the case of the "Twee Gebroeders," *3rd Admiralty Reports*, in the following words:—"In the sea, out of the reach of cannon-shot, universal use is presumed." In the case of the "Anna," *5th Admiralty Reports*, it was laid down as follows:—"The capture was made, it seems, at the mouth of the River Mississippi, and as it is contended in the claim, within the boundaries of the United States. We all know that the rule of law on this head is—'*Terræ dominium finitur ubi finitur armorum vis;*' and since the introduction of fire-arms, that distance has usually been recognized to be about three miles from the shore." In another case, that of "Le Louis," which was decided twelve years ago by Lord Stowell, that learned Judge said, "Upon the first question, whether the right of search exists in time of peace, I have to observe, that two principles of public law are generally recognized as fundamental. One is, the perfect equality and entire independence of all distinct States. Relative magnitude creates no distinction of right: relative imbecility, whether permanent or casual, gives no additional right to the more powerful neighbour; and any advantage seized upon that ground is mere usurpation. This is the great foundation of public law, which it mainly concerns the peace of mankind, both in their politic and private capacities, to preserve inviolate. The second is, that all nations being equal, all have an equal right to the uninterrupted use of the unappropriated parts of the ocean for their navigation. In places where no local authority exists,—where the subjects of all States meet upon a footing of entire equality and independence,—no one State, or any of its subjects, has a right to assume or exercise authority over the subjects of another. I can find no authority that gives the right of interruption to the navigation of States in amity on the high seas, excepting that which the rights of war give to both belligerents against neutrals." Further down in the same judgment Lord Stowell observed—"Upon a principle much more just in itself, and more temperately applied, maritime States have claimed a right of visitation and inquiry within those parts of the ocean adjoining their shores, which the common courtesy of nations has, for their common convenience, allowed to be considered as parts of their dominions for various domestic purposes, and particularly for local or defensive regulations, more immediately affecting their safety or welfare. Such are our hovering laws, which within certain limited distances, more or less moderately assigned, subject foreign vessels to such examinations. This has nothing in common with a right of visitation and search upon the unappropriated parts of the ocean." He had now shown therefore, upon unquestionable authority, that the three propositions which he had laid down at the commencement were fully sustained by the plainest and best understood principles of international law. In time of war, all belligerents clearly possessed a right of search, but nations had no such right when they were not engaged in hostilities; next, the territory of every nation was held to extend to within a cannon-shot of its shores; and lastly, it was clear, from the language of Lord Stowell, that all nations, however strong or weak, were equal before the laws of nations. Such being the law, he should now briefly advert to the facts of the case. In the first place, it was impossible for any one who read the correspondence between the Duke of Wellington and the Marquis of Palmella, not to be struck with the entire want of sympathy manifested by the Duke of Wellington with the distinguished individuals to whom his letters were addressed—he called them routed and dispirited troops, who fled at the first sight of the enemy. From the beginning to the end of these letters there was no expression of kindness used, no feeling of compassion shown, to these unfortunate exiles. Surely the noble Duke ought to have recollected the ancient treaties of alliance which bound the two countries together, and the reciprocity of feeling and interest which had long existed between them, and almost identified the subjects of one state with those of the other. It was impossible not to recollect that the granting of the charter in Portugal had drawn forth blessings and benedictions from the Minister of the Crown in that House, as the first attempt to obtain free institutions for Portugal. The protocol of Vienna, between England and Austria, was of a similar tenor. It stated that the parties might remain perfectly tranquil on the head of the abdication of Don Pedro, and the sending of the young Queen to Portugal, seeing that Austria and England were convinced of the importance of not suffering a longer time to elapse without deciding upon questions of so high an interest for the future tranquillity of Portugal, and that these two powers were determined to unite their efforts to urge and obtain the decision of them at Rio Janeiro. The protocol of the conferences at London, in which the Courts of Vienna and London bound themselves, in case of the abdication of Don Pedro—which it declared both governments were anxious for—to use their good offices in order to induce the governments of Brazil and Portugal conjointly to announce this arrangement to all the powers of Europe, and procure their recognition of it. They also bound themselves to use their good offices to procure, by means of a treaty, a settlement of the order of succession of the two branches of the House of Braganza. It was, however, a known fact, that the usurpation of Don Miguel was so conducted as to be a violation of all these arrangements, and a personal insult to the Sovereign of this country. An insult to the Sovereign had always been esteemed an insult to the State, and therefore, he was justified in asserting, that the usurper of the throne of Portugal had offered an insult to the people of England, which it was inconsistent with their dignity and character as a nation to bear. It should be recollected who the Marquis Palmella was, and the relation in which he stood to his countrymen who had sought an asylum in England—a distinguished statesman, and a man high in the confidence of his Sovereign and his own country. He was the person who had called upon us, in the fulfilment of our treaties, to send troops to Portugal to succour those who were struggling for freedom. We had obeyed the call. The men therefore whom Marquis Palmella regarded as the subjects of his Sovereign were in truth the allies of Britain. Though now reduced by defeat and misfortune to be few in numbers and powerless wanderers, whatever name might be given them by the Government in the correspondence laid before the House, and though the noble Lord had called them a routed and disbanded crew, he could but consider them as illustrious exiles suffering in the cause of liberty and of their country.

> "I laugh, when those who at the spear are bold
> And venturous, if that fail them, shriek and fear
> What yet they know must follow—to endure
> Exile, or ignominy, or bonds, or pain,
> The sentence of their conqueror."

In examining the letters laid upon the Table of the House, he could not but consider it as peculiarly devoid of that sympathy for the suffering portion of the Portuguese nation, which they had a right to expect, and which it reflected but little credit upon the writers of those letters to refuse them. There was to be found, however, one exception to that general tone—it was to be found in the letters of a right hon. Gentleman, who within two years had filled the office of Prime Minister of this country: there was a marked difference between the letters of Mr. Canning and those of the present Foreign Secretary, and the noble Duke at the head of the Government; such was the nature and character of the difference, that it reminded the reader of the illustrious Queen of the heroic age, who anxious, on a high solemnity, to propitiate an adverse Deity by presenting to her, as a votive offering, the most beautiful of all the robes she possessed, on opening her repository where her choicest treasures of this description were preserved, one garment, we are told by the Poet, so far exceeded all the others in splendour and brilliancy, that though it was deposited at the bottom of the chest, it emitted a ray of light which eclipsed all the others, and entitled it to decided preference: so it was with respect to the letters of Mr. Canning; though they were at the bottom, as it were of their repositories, though they did not relate to the most prominent parts of this transaction, yet they emitted rays of light, they blazed beyond all the rest, they were eminently characterized by perspicuity of style and felicity of expression; and above all, by an elaborate and scrupulous adherence to those great principles of public law which ought to guide the public communications of every British statesman—indeed, not a single position contended for in the letters of that right hon. Gentleman would, upon the strictest examination, be found inconsistent with the acknowledged and recognised law of Europe. Again, he thought that the letters of the Marquis of Palmella were likewise deserving the most serious attention, for he appeared to be fully master of the subject; but though he was so,—he must say that throughout he rather understated than overstated his case. Either his opponents were wholly forgetful of the law of nations, or wholly ignorant of the principles of them. They seem disposed to over-ride arguments they could not refute, and left the statements of the Marquis unanswered and unanswerable. As the Government had not even opened a case that evening, he was at a loss to know whether it was to be insisted upon or not, that the conduct of our Government towards the Portuguese troops was the consequence of their own acts, or of the acts of those on board the Brazilian frigate. If that frigate was guilty of a breach of public law or our municipal law, the government of the Brazils alone was responsible for it. When the Duke of Wellington therefore referred to the acts of those on board the frigate, he referred to a matter over which the Marquis Palmella and the Portuguese officers had no control, and for which they could not be made amenable. This brought him to the correspondence between the Duke of Wellington and the Marquis of Barbacena, whom the conduct of the Brazilian frigate, he being the Brazilian minister, particularly concerned. The Marquis stated, than an application had been made, to obtain permission to embark a certain number of stand of arms on board the Brazilian frigate. That was a question of municipal not national law; and he saw no reason why the frigate should not be allowed to take those arms on board; for he meant to contend that carrying them to Terceira would be no violation of international law. On this point he took the law of nations to be most clear and distinct—the principle had never been controverted, and could not be misunderstood; it was this—that during the war a neutral could not supply either belligerent with arms or with other means of carrying on hostilities; but there was nothing in the law of nations to prevent people not at war from purchasing in the territories of foreign nations, arms, or whatever else they might require. On that point the language of Bynkershoeck was explicit. He said, "*Idque in instrumentis bellicis comparandis vulgò servamus; utùt enim et ad utrumque amicum non rectè vendamus—sine fraude tamen vendimus utrique amico, quamvis invicem hosti, et quamvis sciamus alterum contra alterum his in bello esse usurum.*" There was nothing in the case under consideration to take it out of the rule here laid down. If the subjects of Portugal even took out arms, which is not alleged, they acted contrary to none of the laws of nations, for they were not at war with us; and by allowing them to do so we contravened none of those laws. Nor was the course taken by the noble Lord supported by saying that the whole thing was a subterfuge of Count Itabayana, for that could not affect the conduct of persons in a case that happened four months after the subterfuge had been practised. Great stress had been laid upon the alleged fraud and secrecy practised by those Portuguese in their expedition to Terceira. On that point he begged to challenge inquiry—he begged that hon. Members would look into the correspondence of the Marquis Palmella, and if, after that, they imputed to him, or to the Portuguese, the secrecy in question, he would abandon the argument altogether. The Marquis Palmella made no secret of the intended expedition—on the contrary, throughout the correspondence, he gave frequent and distinct notice that such an expedition was contemplated. The British Government therefore had been, from the beginning, perfectly aware of the proposed expedition to Terceira, and when it did sail, it could not cause us any matter of surprise; but then the false clearances were adverted to as affording grounds of accusation against the Portuguese—false clearances were a matter of every day's practice—they were amongst the most common transactions—they were intended to deceive some other party than the country from which the vessels sailed; that could not be injured by them—and then came the question, the most important and real question at issue in this case, had we a right to follow the refugees upon the high seas? Within our own ports we might perhaps deal with these people as we liked, but having allowed them to leave the country the case was different. They were no longer in any manner amenable to our Government. In one of the cases to which he had already referred Lord Stowell had laid down the principle of law applicable to this case very clearly. "It is contended," he said, "that every State has a right to enforce its own navigation law, and so it has on its own subjects, and in certain cases on ships of other States within its own ports; but no nation is justified in searching, in time of peace, the vessel of another State on the high seas, to ascertain if it is intended to commit any offence against her municipal laws." Lord Stowell also added, that however laudable the object of such a search, it could not be justified in the case of a vessel belonging to an independent State with which we were at peace. If this general rule were good, if we had no right to visit or search the ships carrying the troops to Terceira, we could have no right to pursue or stop them; above all, we could have no right to stop them within cannon-shot of their own shores, within the ports and waters of a friendly state —in a position recognized by the law of nations to be an integral part of the territory of another power. It was not his intention to go through the correspondence in all its details, but he could not avoid referring to that part of it contained in page 106. He alluded to the instructions given to the naval officers with respect to the vessels bound to Terceira, and they were well deserving a most attentive perusal. He did not imagine that the annals of civilized Europe afforded a parallel to those instructions given to a commander in time of peace. He was instructed to pursue the vessels, to attack them if necessary, and to prevent those on board from effecting the purposes with which they sailed. These instructions bore the signature of Lords of the Admiralty who had seats in this House, but the act, as far as they were concerned, was only ministerial—they certainly were not responsible for it—the Government alone was responsible for that most gross violation of public law—a violation of its first principles, further aggravated by subsequent circumstances. It was a most unprovoked and most wanton attack, a most violent act of aggression committed on a friendly neutral. The question was not, as suggested, one of mere feeling, to be supported by declamation, but of facts; but feeling also was on the side of facts. Nothing could be more touching, more natural, or more forcible, than Count Saldanha's appeal to Captain Walpole. "You are going," he said, "to discharge your arms against 500 friendly and defenceless Portuguese, embarked in British and Russian vessels." He might have exclaimed—

> "Troës te miseri, ventis maria omnia vecti,
> Oramus: prohibe infandos a navibus ignes,"

The attack on these refugees was as unjust and as unprovoked a violation of the laws of nations towards the subjects of a friendly power, as could be met with in history. When he had stated that he was not aware of any act of aggression, bearing a semblance to the one in question, having occurred for upwards of a century and a half, he alluded of course to the attempted seizure of the Dutch Smyrna fleet, within the port of Bergen; but execrable as that act had been to all posterity, this exceeded it in atrocity; that was the act of a profligate Sovereign, when the law of nations was yet in its infancy—this was the act of the Cabinet of England, when the law of nations was universally recognized and understood: that was directed against an open and avowed enemy—this was pointed against an ancient ally, in a moment of extreme difficulty and distress. It was a painful consideration connected with this matter, that the same individual should now be at the head of the civil government of this country, who, by a series of unparalleled achievements in war, had liberated Portugal from the tyranny of the ruler of France. It was, he repeated, much to be regretted, that history should have to record that the same individual, when placed at the head of the civil government of England, sanctioned an act of insult and outrage against the same Portugal; which must ever be a blot upon the fair fame of this country, and the most violent breach of the laws of nations upon record. It was much to be regretted that Great Britain, who had on many occasions prided herself on being the protector of the weak and the defenceless, should on this occasion have become their oppressor. For these reasons, then, he should most certainly give his vote for the Motion of his right hon. friend, for he thought such a case had been made out as fully entitled him to support.

Mr. *Harrison Battley* would oppose

the Motion, for he believed that the conduct of Government was in perfect accordance with the law of nations, and that it would have betrayed the trust reposed in it had it pursued a different course.

Mr. *Courtenay* said, that the arguments of his right hon. friend, and also of his learned friend, had failed to convince him that the conduct of the Government had been contrary to the laws of nations, and he was sure that those who supported an opposite view would find it difficult to extract from the papers on the Table the materials to warrant such a conclusion. He contended that the principle of neutrality was not new to the present Government; the Government of Mr. Canning had acted upon it; and the present Administration had only copied it from his. In support of that assertion, he could quote from numberless speeches of that right hon. Gentleman to show that such had been the principle upon which his government had acted. There could be no doubt that this country was in a state of the most perfect neutrality; and he put it to the House whether it would not be the grossest breach of that neutrality, and of the law of nations, as respected the conduct of neutrals, for this country to allow any one of the belligerents to fit out here an expedition, for the purpose of carrying on hostilities—if that were not a breach of neutrality, he confessed he was incapable of understanding wherein that breach could consist. The forces were in this country; they were about to embark, for the purposes of attack or relief, or the invasion of some part of the disputed territory; were they then at liberty to make this country a port from which to embark that which could not be called otherwise than a warlike expedition? It had been his chance to observe, as individuals, many of the persons composing that expedition; he had likewise viewed them as a body, and a more complete corps of men he had never seen. They could therefore be considered in no other light than as soldiers calculated to effect military objects. It was justly and naturally that the Marquis Palmella attached importance to their remaining at Plymouth in a collected form, as calculated to give encouragement to the party of Donna Maria; while, on the other hand, he regarded their dispersion as likely to bring despair and dismay among the friends of that Princess. But the Government of this country was perfectly warranted in requiring that body of men to disperse throughout the country; and it was also perfectly warranted, on finding that they were going to Terceira, in resisting the wrong attempted on that occasion. The right hon. Mover had said, that the present was an act of hostility without notice, and had so been considered by all. The reason why declarations of war were unusual in modern times on the part of this country was, that England seldom went to war except for the purpose of defending itself from aggression, therefore notice in such cases was not required. The case on the part of the refugees was a violation of the law of nations, and he believed that no man, impartial and informed upon the subject, could doubt that it was the duty of this country to prevent it. He was perfectly willing to admit, that what had happened at Terceira was an untoward event, but on the whole, Government could not avoid taking the course which it had done. England had maintained the position which her honour and her interests required, and throughout the whole of his foreign policy it was his opinion, that the Duke of Wellington was but following the footsteps of Mr. Canning.

Mr. *Horace Twiss*:—I hope, Sir, that the House will grant me its indulgence if, in the silence of others who would be more competent than I am to the statement of this case, I endeavour to lay before them an outline of the facts on which the vindication of the Government rests. On the 15th of October, 1828, it was requested by the Marquis Barbacena, that the Portuguese refugees, who are the subjects of this Motion, should proceed to the Azores under a British convoy. The language he uses in this application is extremely different from that of his parliamentary advocates. He does not pray that the suffering individuals—the scattered wanderers of the Queen's followers, who were sojourners here, might be forwarded, after all their troubles, to a refuge and peaceful home in the little Archipelago of the Azores; but he plainly acquaints the Duke of Wellington, that the Secretary of the government of the Azores is come to London, authorised to demand with the greatest urgency, the immediate despatch of a part of the faithful Portuguese troops, whose presence in the above-mentioned islands would ensure their defence, as well as their tranquillity, against the attack menaced by the illegitimate government of Portugal. He goes on to declare, that these succours—for so he describes them (*ces secours*)—when once landed at Terceira, will be sufficient to put that island out of danger: he states that the succour is not to be landed in the event of the Island having fallen under the aggression threatened. The question, therefore, he says, is not of an hostile undertaking, but simply of a measure of defence. Sir, the only island of the Azores which was ever pretended to be in the possession of Donna Maria at the time when the Marquis Barbacena wrote, was Terceira; the other islands were under the dominion of Don Miguel: and it was known to the British Government, that a quantity of English arms and ammunition, shipped from this country by the Brazilian minister in the previous August, for which he had obtained a license from the Crown, under an assurance that they were not to be used in the civil dissensions either of Portugal or of its dependencies, and consequently, not in the contests at the Azores, which form part of those dependencies,—had nevertheless been sent to Terceira. In this state of things it was obvious, that if the Portuguese, then at Plymouth set sail from England to Terceira, there to take up and use those arms and this ammunition, either for the purpose of capturing those of the Azores which were in Don Miguel's possession, or for the purpose of reinforcing Terceira against the descent with which the Marquis Barbacena states Don Miguel was then threatening that island, the Portuguese so sailing from Plymouth to Terceira were neither more nor less than troops leaving England for purposes of hostility between Donna Maria and another Sovereign, with neither of whom we were at war. No, say the Marquises Palmella and Barbacena, not for the purposes of hostility, but only for purposes of defence. But what do you, the Portuguese, yourselves allege as the objects of your expedition? Why, one of those objects, as you state them, is to secure the tranquility of the Azores in general under Donna Maria's government, which you entitle generally the government, not of Terceira only, but of the Azores. Why, then, as the Azores in general were at that time in the possession of Don Miguel, it is clear, on your own shewing, that so far as the Azores in general were concerned, you meditated an actual attack; for before you could govern and tranquillize, you had to capture them. But suppose you had made no claim on any one of the Azores, except Terceira,—suppose your only object had been to throw a reinforcement into that one place, for its defence against the threatened invasion of Miguel, how could that have warranted England in allowing your expedition to go forth from her shores? What substance is there, as far as the duty of the neutral is concerned, in the nice distinctions which the Marquises de Barbacena and Palmella seek to draw, between the defensive and offensive hostility of the belligerents? If you may not allow troops to reinforce the besieger, on what principle can you allow them to reinforce the besieged? If you could not have forwarded a body of soldiers to assist the expedition of Don Miguel against Terceira, on what principle could you forward troops and ammunition to assist Terceira against Don Miguel? The spirit and object of that law of nations which we are now considering, are to preclude, by a strict impartiality, all cause of umbrage to either belligerent, and prevent the unnecessary spread of war among the states which may be contiguous to the theatre of it; and it would be therefore an extraordinary perversion indeed of the true intent, if a neutral state were at liberty to cavil upon words, in the manner contended for by the Marquises de Barbacena and Palmella, and to assume the right of authorizing all hostility against an obnoxious belligerent which did not bear the form of actual aggression, Consider too the difficulty—nay, the impossibility of discriminating, in a vast variety of cases, what measures of war are offensive, aad what defensive. The party which was retreating yesterday may be advancing to-day—the garrison which, when the succours went out to its aid, was struggling for existence in the citadel of a blockaded town, may, before those succours can arrive, be the van of a victorious army; nay, the spot on which the contest is carried on, as in the instance of this very Terceira, may change its masters from time to time, so that the reinforcement, for example, which Donna Maria may have sought in the last week for defending her possession, may have been wanting by her, in the next week, for attacking and recovering it. How frequent, in a few short months, were the vicissitudes of the government of Terceira? In the early part of 1828, the sovereignty belonged to the Brazilian family. In May a rising had taken place in favour of Don Miguel, and a part of the inhabitants had embraced his cause. In June a counter-revolution took place, the ringleaders of Don Miguel's party were arrested, and the Brazilian family again proclaimed. In September, by the influence of the priests, another revolt was stirred up. These insurgents again were afterwards suppressed: and in the beginning of December, the Brazilian interest was once more successful, and Donna Maria proclaimed as Queen. This is the island, of which we are told, that at the time of the expedition it was, and that for a great length of time theretofore it had been, in the uninterrupted possession of Donna Maria, or of her father, the Emperor of Brazil. Why, Sir, if the troops had gone from England early enough to arrive at Terceira in May, they would have been wanted for a purpose of attack, to quell the force of Don Miguel's friends. If they had arrived in the beginning of September, they would have been wanted for a purpose of defence, to prevent the revolt under the priests. If it had been late in September before they arrived, they would have been wanted again for a purpose of attack to reduce that revolt. If they could have been landed later still, when that revolt was already put down, they would have been wanted for a purpose of defence, to protect the government of Donna Maria against the threatened invasion of Don Miguel. Can any thing more clearly expose the fallacy of the assumed distinction between allowing an expedition to go from your coast for the purpose of attack, and allowing it to go for the purpose of defence? Suppose that in a war between France and England the French had possessed themselves of Ireland, and that after they had held it for a little while, this country were making an effort to regain it, but that Spain, a neutral country, should allow the French to fit out an armament from Ferrol, for the defence of their Irish possession against the English attempt to recapture it, should we think it a sufficient excuse in neutral Spain that the object of the French was merely defensive? Now, Sir, I beg my right hon. friend to pause a moment upon the letter of the Marquis Barbacena, and to ask himself what course it behoved the government of a neutral country like ours to take, on receiving this undisguised intimation that a body of Portuguese troops was about to set sail from our shores for the purpose of throwing succours, that is, reinforcements, into a station occupied by one of the belligerents, and threatened with an attack by the other. Not merely to consider whether Don Miguel, by whom this attack had been so threatened, was estimable as a monarch, or popular in this country as a man; not to consider by what connivance we might favour Donna Maria, without actually breaking the letter of our obligations as against Don Miguel, but the manly course which it became the Government of a great country like England to take and abide by, was that of preserving the spirit as well as the forms of neutrality; to deal, in the instance of Donna Maria's troops, the same measure which she would have dealt if the Portuguese at Plymouth had been the adherents of Don Miguel: for, to talk about the righteous cause of the one party, or the usurpations and vices of the other party, in a contest where you profess neutrality,—to assume the dignity and independence of being neutral, and yet lack the integrity to be impartial, this, Sir, may be a captivating and popular morality with those who love better to be liberal than just—but can never be the policy of a nation that has, or hopes to have, a character for public faith. I am sure it would not have been the policy of my right hon. friend. Now, Mr. Speaker, let us suppose for a moment, that instead of their being the body destined by Donna Maria's party for the defence of Terceira, the troops at Plymouth had been the body destined by Don Miguel for the attack on that island, what would my right hon. friend then have said was the duty of a government bearing a neutral character?—to say one thing and connive at another?—to tell those Miguelites, in set language, that they must not start an expedition against Donna Maria from England, yet allow them in fact to send their forces against her by English Transports from Plymouth?—to take no note of the arms already lodged, under circumstances of deceit, at Terceira, and to presume that the soldiers who were going out unarmed to the place where those arms had preceded them, would religiously abstain from employing a single gun? Was this the line which, if the refugees had been the partisans of Don Miguel, my right hon. friend would have had the Government adopt? And if such acquiescence on the part of our neutral Government would have been intolerable in favour of Don Miguel, whose cause is unpopular, would it have been allowable in favour of Donna Maria, because our wishes may be on her side? Sir, the House will give me leave to observe, that the language of the Marquis de Barbacena's letter is very important in this discussion; because that letter, being written before the objections of the British Government were expressed, is unentangled with any sophistries for colouring or concealing from the King's Ministers the real object, but plainly tells the Duke of Wellington, that the Secretary to Donna Maria's government at the Azores is come to desire that a body of Portuguese troops may be sent from England to those islands, for the purpose of defending the young Queen's interests there against an expected attack from her adversary Don Miguel. Here then was an expedition (for so in substance it must be considered) preparing to set sail in English transports, from an English harbour; to employ arms bought on English ground, in reinforcing the hostilities of one of two belligerents against the other, with neither of whom England was at war. Thus far on this state of facts, the course of England was the clearest that can be conceived; and it was taken and announced by the Duke of Wellington with his usual promptitude and fairness. He wrote to the Marquis Barbacena, and told him that the Portuguese in England could not be recognised as troops, but only as individuals; and that any of them, meaning to retain the character of troops, must quit the country without loss of time. Upon the same established principle, of forbidding the use of the neutral territory for the purpose of recruiting the military strength of one belligerent against the other, the Duke proceeds to inform the Marquis Barbacena, that the Portuguese, if they go to the Azores from England, must go as private individuals, and not as an expedition; since his Majesty cannot allow England to be made an arsenal, whence foreigners may carry on their wars; and still less, he adds, can the British navy be permitted to give safety to such expeditions by its convoy. Finding, however, after the lapse of more than four months from the date of this intimation, that no step was yet taken towards the removal of the Portuguese, the Duke of Wellington acquainted the Marquis Palmella, under whose direction they were, that all their military must quit Plymouth, where they were then assembled, and disperse themselves as individuals through other towns and villages. Against the right which England had, as a neutral state, to direct the dispersion of the military part of this Portuguese assemblage, no valid objection was offered, or could have been attempted by the Marquis Palmella: that experienced statesman was too well acquainted with international law, and the duties of neutrals, to state so untenable a proposition. Now, Sir, except the illicit conveyance of arms to Terceira, under a license obtained through an assurance that they were not to be so employed, nothing had occurred until some days after the time when the order for dispersion was given, which could reasonably be complained of, either by the British Government or by the Portuguese. The Marquis Barbacena's object in sending the troops to Terceira, which he explicitly avowed, was no doubt a fair one for him to attempt, if he could persuade the British Government to allow it; and the objection of the British Government against so allowing it, was equally fair and plain on their part. The subsequent communications and movements, which were conducted by the Marquis Palmella, were of a much more artful kind; and though I shall not take the liberty to pronounce whether the address, which was exercised by that very skilful negociator, went beyond the limits which the rules of diplomacy allow to a statesman, who has an important point to carry for his Sovereign; yet, if it shall be made to appear, as to me I own it does appear, from the papers and facts before us, that the Marquis Palmella, from the time when he commenced his correspondence on this subject, was endeavouring, by a series of stratagems, however venial they may be deemed in such affairs, to mislead and outwit the Government of England, that he might slip the Portuguese reinforcements into the island of Terceira, I do apprehend that the House will hardly think the Government of England to blame for not allowing this contrivance and artifice to achieve what they had conscientiously refused to a frank application. Nor can I attach any weight to the charge which my right hon. friend has made against the Government, of cruelty in taxing the Marquis Palmella with bad faith; for if, in the debates which have recently taken place on this subject, they have spoken openly of the Marquis's conduct, it has by no means been a gratuitous censure, but was demanded of them for their own vindication against motives of censure, which have been aimed at them by the advocates of that nobleman himself. Sir, on learning the intention of his Majesty's Government to disperse the assembled troops at Plymouth, the Marquis Palmella, in a personal interview, acquainted the Duke of Wellington that the troops, rather than acquiesce in that dispersion, would leave England entirely, and betake themselves to Brazil. The announcement of such a resolution as this, when coupled with the statement before made by the Marquis Barbacena, that these troops were wanted at the Azores, made it natural to doubt whether the Azores were not still their real aim, though their nominal destination was Brazil, especially when it was remembered that the arms and ammunition, for which a license had been taken out by the Brazilian minister, on the assurance that they were not intended for the civil wars between the claimants of the Crown of Portugal, had in fact been conveyed to Terceira. It was natural, I say, to apprehend that the stratagem which had been practised about the destination of the arms, might be repeated about the destination of the troops: and against this it behoved a neutral government to guard. Accordingly the Duke of Wellington said to the Marquis Palmella, your troops are free to set sail from England, *bonâ fide*, for the Brazils: but to any of the colonies of Portugal, as for example, to the Azores, we cannot permit any military force to proceed from our coast. If, therefore, these refugees were to go to the Azores at all, they must go as private individuals, and not as an officered, organized body. The Marquis Palmella then asked some protection for these people of his on their voyage to Brazil. He stated that he wished merely for a verbal guarantee from the British Government for their safety; but this the British Government declined, on the ground that a mere verbal guarantee, if Don Miguel should be inclined to disregard it, and attack these unprotected Portuguese on their voyage, might implicate this country with that Prince; but they expressed their willingness, in order to effect the safe transmission of the refugees to the Brazils, that the British navy should give to these strangers, when thus peaceably proceeding to their home, that convoy which it had been found necessary to refuse them when seeking to reinforce a belligerent party at the Azores; a substantial protection, which it was not very likely that Don Miguel would violate. England was certainly not bound to offer this convoy, although it may seem to have been a reasonable protection on her part to the Portuguese, against the dangers of a voyage, which she had in some measure compelled, by her refusal to allow their continuance in England in their accustomed capacity of troops. Perhaps even in strictness such a convoy was a favour to the Marquis Palmella's people, of which Don Miguel might be entitled to complain, as depriving him of the power to intercept those troops in their way to the Brazils; but would any one have imagined that the objection to it would come from the Marquis Palmella? Yet he did object; and why? Because, alleged he, it would look as if England were distrusting these Portuguese, or expelling them by force from her shelter. Surely, Sir, such objections were very far fetched; so far indeed that it is impossible to avoid suspecting that they could be only colourable. This part of the case the more particularly deserves attention, because my right hon. friend has dwelt on the request of convoy, on the former occasion, by the Marquis Barbacena, as a proof of good faith in the Portuguese. I believe there is not a man in Europe who would not have said, on hearing of such a convoy as was offered by the Duke to the Marquis Palmella, that instead of looking like hostility to the cause of the Portuguese, it looked, on the contrary not a little like partiality to that cause—like favour to Donna Maria's objects, and hostility to the objects of Don Miguel. What interest, then, it may be asked, could the Marquis Palmella be supposed to have in declining so valuable an assistance? Why, Sir, this interest; that his party being destined only in name for the Brazils, but in reality for the Azores, would not have found it at all convenient to be accompanied by a British force, which would see to the due fulfilment of their voyage to the Brazils, and prevent their shipping any of their soldiers into the harbour of Terceira. The convoy was accordingly declined by the Marquis Palmella in a letter dated the 3rd of December; but the Duke of Wellington having two or three days afterwards learned that more troops had been enlisted in foreign countries for Donna Maria's cause, and ordered to Plymouth, and in a few days more, that an officer, General Stubbs, had taken the military command of the Portuguese troops, who were still lingering in the dépôt at Plymouth, deemed it necessary to send directions to Captain Walpole, of his Majesty's ship Ranger, to prevent the landing of the troops at any of the western islands. These orders were issued from the Admiralty on the 12th of December, and on the very same day the Duke of Wellington unequivocally acquainted the Marquis Palmella, that his Majesty had been advised to give orders for effectual measures, to prevent any attack upon the Portuguese dominions in Europe, by any of these troops. The Marquis Palmella must have perceived upon this, that notwithstanding the address with which he had eluded the incumbrance of a convoy, all hope of getting his forces at all safely or openly into the harbour of Terceira was effectually cut off, unless some new stratagem could be devised to lull the Government of England into a permission for their transit to the Azores. On the 20th of December, therefore, he writes to the Duke of Wellington, and tells him that, by fresh advices which he had then just received, he finds Terceira is tranquil, and entirely under Donna Maria's government; and this state of things opens a new prospect; and that the refugees propose, therefore, to sail unarmed for Terceira, which as their lawful Queen is recognised there, is in fact, he says, to return to their own home; and by way of shewing that this is really a new resolution produced by the new state of affairs, and not a mere revival of the old proposal under a new pretence, he encloses an address of certain loyal Terceirans to Donna Maria. The question then is, which supposition is the probable one? Was this a mere pretext to get permission for the renewal of the old design of sending out reinforcements to Terceira, or was it *bonâ fide* a proposal for the departure of unarmed men to a place which was really the undisputed territory of their Queen, and which they meant, therefore, to adopt as their home? Sir, I will not pretend to define precisely what period of uninterrupted peace should have elapsed, before a place long agitated and divided by fierce combatants, might be deemed to have subsided into repose; but really on the most liberal construction, it is too much to talk of Terceira as being an undisputed possession of Donna Maria, as being a place to which her subjects, or any subject of Portugal, could possibly dream of going, with a view to obtain a home or a refuge from war. Not only was it a dependency belonging to the Crown of Portugal, which Crown was at that moment *de facto* on another's brow—not only was it one of a cluster of islands of which all except itself were in the allegiance of Don Miguel, but even in this very Terceira itself, the ascendancy had been shifting between the partizans of Donna Maria and of Don Miguel, not less than five times within the compass of that very year. The Marquis Barbacena, in his letter of the 15th of October, had spoken of the danger in which that island then was; a danger so pressing that the partizans of the Queen seem to have felt that they could not insure the defence without the troops, which the Secretary therefore demanded, as the Marquis Barbacena states it, with the greatest urgency. The Marquis Palmella, in the very letter which proposes this return of his people as to their home, speaks of the tranquillity of Terceira as a new prospect opened to him by the intelligence then lately received by him; thus admitting expressly that until the arrival of these last news, no nearer spot than Brazil appeared to him to be capable of affording them an asylum; and what then was the favourable settlement of affairs from which the Marquis Palmella inferred that the sovereignty of his Queen was now secure? Captain Walpole, who arrived on the 13th of December, found that Angra indeed was possessed by the Queen's party, but that the country at large was principally in the possession of a Guerilla force, favourable to the government of Don Miguel. But what says the Marquis Palmella's own intelligence? What says that address of certain loyal Terceirans to the Queen, which he transmits to the Duke, as the sole voucher for his statement? Does it inform her Majesty that all is settled there, that war, and discord, and discontent are no more—that the minds of all the inhabitants of Terceira are united in her favour? No; it solicits her to accept the hearts of a number of warriors, who defend her rights under a provisional government, and then gives her this very cordial, but certainly not very quieting assurance against her enemies—"To day, covered with the royal ægis of your Majesty, and determined to enter into no compromise with them, nothing but the death of the last of us shall be capable of opening a passage to them for the completion of their triumph." Surely, Sir, in the face of such a document as this—to say nothing of Captain Walpole's report—the allegation that Terceira was a tranquil spot, inviting by its peaceful attractions the long-wearied wanderers of Portugal, as to a resting-place and a home, was one which a statesman of the Marquis Palmella's sagacity could hardly expect the Government to believe. But according to the Marquis Palmella, the Portuguese at Plymouth were now no longer to proceed in the character of an armament; they were no longer called troops as the Marquis Barbacena had called them; the Marquis Palmella had more adroitly denominated them refugees, and urged that they were to leave England unarmed. Why, Sir, it is a mere quibble to allege that the expedition was less an armament, because the arms had been sent on before; it would matter nothing whether the soldiers went with their arms or to their arms, if at the end of the voyage the arms were to come into the soldiers' hands. It is no more than if the arms had come in a different vessel of the flotilla. "But how were they to get the arms" says my right hon. friend, "if this expedition of their's was a hostile one against the island where those arms were deposited? Were they to begin by forcing the arms from their enemies, that they might afterwards conquer those enemies with them?" By no means: for though the island at large was in the interest of their enemies, my right. hon. friend forgets that Angra, the place where the arms were secured, was in the possession of their own partizans. But they were not to go out as troops; they were to go only as refugees returning home—that must mean, if it is to mean anything, as individual and private men; as civil, and not as military persons. Indeed! Why what had happened so suddenly to change their character? In October, when the Marquis Barbacena wrote, they had borne the title of troops. Had they since been disbanded? Had the order been executed for their dispersion into other towns? Had the military dépôt at Plymouth been broken up? Had the command of their officers ceased? Had their pay been discontinued? Had they been released from the superintendance of Donna Maria's minister, and committed each man to his own individual discretion in his future movements, either to remain in the service of their Queen, or to retire from it? Such circumstances as these would have been evidence, no doubt, that the parties were now no more than private individuals, but not one of these circumstances had occurred. They were still commanded by their officers, still quartered in their accustomed dépôt, still regulated by the Marquis Palmella, as agent for the young Queen, still provided through his hands with military pay, still directed by him in the destination they were to take. There was no one characteristic of soldiers in a Sovereign's service which did not fully exist in the case of these troops. Does my right hon. friend think that the emigrants to Canada and Swan River, to whom he likens these passengers, go out with military officers, and military discipline, and military pay? or is there the least resemblance in the purposes or in the preparations of the peaceful and of the warlike enterprise? The Duke of Wellington therefore instantly acquainted the Marquis Palmella, "That his Majesty was not to be deceived as to the real intention of the proposed voyage to Terceira, and that Government had taken measures to prevent these troops from proceeding in a hostile character from England to any part of the dominions or colonies of Portugal." This was the second distinct notification which the Government of Great Britain had given to the Marquis Palmella; and it might have been reasonably expected, that after the hospitable reception and the long protection which his people had received from England, he would have felt it incumbent on him to abstain from the further prosecution of a design, which he found to be regarded as a breach of the obligations due from him to this country. But he still made no change in his arrangements. He gained some further time by another elaborate and ingenious argument in vindication of his own views; and the Duke of Wellington answered him by another distinct notification in these words:

—"There can be no doubt in the mind of any man acquainted with the circumstances, of the object in view in sending these troops to Terceira; and I repeat to you, that they will not be allowed to land there." Now comes the termination of the Marquis Palmella's correspondence. He replies, that the determination so announced gives him great pain (as if he had not been acquainted with it by the Duke's preceding letters of the 12th and 23rd), but he flatters himself that at the moment of his writing, there will have sailed for Terceira four transports, to which it will be too late for him then to send fresh orders. So that in spite of the repeated and distinct prohibition of the British Sovereign, and in breach of the express conditions which, in the exercise of his undoubted right, he had annexed to his protection of these strangers, all the arrangements for the voyage to Terceira had been going on; and at the last moment, when the Marquis Palmella felt assured that it was too late to detain them in the British seas, and that he might, therefore, very safely throw aside even the shew of respect for the requisition of England, then he slipped the cables of his vessels, with their complements of troops shipped on board for Terceira, regularly organized and officered, and kept in pay, having first increased their force by engaging an auxiliary body of German soldiers to accompany the expedition from Plymouth to the Azores. My right hon. friend complains, that we enforced our prohibition of entering Terceira against these Germans, who were not fitted out in England, as well as against the Portuguese who were; but I answer, that if a set of persons with whom, in their separate character, we should have had no title to interfere, think fit to make themselves a part of an expedition against which our interference is lawful, they must bear the consequences of their own act, and submit to be treated as members of the body with which they have associated themselves. Sir, the better to cover the departure of these four transports for Terceira, a set of clearances had been provided them, made out for other parts of the globe; in order that, if a direction should have been issued by the British Government to stop all vessels bound for Terceira, these transports might evade that embargo. There were still some other transports which were not ready quite so soon as the first four, and with respect to such of these as required concealment, the same system of false clearances was pursued. Three of them, having but 103 passengers on board, cleared out, avowedly for Terceira: so small a number of persons distributed into three ships, being likely enough to escape detection; but another left England with six brass eighteen pounders and carriages complete; another with eighteen pieces of cannon and ammunition; another with 315 troops, including thirty officers; and so on: and when these arrived at Terceira, it was found that they had left England with clearances for Bahia, Virginia, and other places. Now, Sir, on these facts the question is, whether the British Government, having a right (as I think it has been shewn they clearly had) to prevent the transit of this expedition to Terceira, were guilty of any abuse in the exercise of that right. It is said, that if Government were right in their view of the facts, they should have taken their remedy by stopping the ships at Plymouth, and not in the Atlantic. Sir, I think I can shew satisfactorily, that if both remedies had been equally practicable, we should have been as fully justified in selecting the one as the other; but in fact, the remedy of detaining the vessels here was not left so much within our power as the argument on the other side would represent it. So long as the Marquis Palmella continued his correspondence upon the subject, pressing the British Government to withdraw its opposition, so long it was impossible for the British Government to infer that he intended at all events, to deny that opposition, especially when he fully understood that his troops would not be suffered to land at Terceira. If it had been intended to deal fairly with England, these strangers, who were under such great obligations to her for her support, should, at least, have distinctly apprised her that whether she deemed their purpose to be lawful or not, whether she opposed its execution or not, they intended in every case to fulfil it. If they meant to be ungrateful, at least they should have been explicit. But for the Marquis Palmella to go on discussing, and arguing, and gaining time, by repeated correspondence, and never to communicate the eventual intent, until he had reached the period when, as he himself says to the Duke, it was too late to send fresh orders to the ships, this was to deprive us of the opportunity for effecting the detention in port, which is recommended as the legitimate course, until the period was past for attempting it. The remedy, therefore, which the Portuguese thus uniformly prevented England from taking against them in Plymouth Sound, their own evasion warranted her, even if she had not been otherwise well warranted, in taking upon the Atlantic Ocean; for surely, if a neutral state may, in the first instance, stop a belligerent, who is making his outfit openly, it will not be maintained that she is precluded from stopping him afterwards because he has contrived to do the same thing clandestinely and unfairly. My right hon. friend talks about the law of nations as if it lay in a statute-book, where the rule must be the written text, to the word, and the very letter; but even a written statute, when it is remedial, is construed liberally to advance the remedy, not strictly to confine it; and really when so much has been said about the importance of the present question to the rights of all the States of Europe, it is due to that whole international community, that we should look to the spirit and object of the law of nations upon this subject, and not merely to the letter of text-books and decided cases, even if texts and decided cases were to be found. The neutral state in those matters has a duty to the adverse belligerents; and if the expedition have, by artifice, evaded the determination announced by the neutral of detaining it, then unless she be at liberty to follow it to sea, there is no remedy against that expedition at all, and the adverse belligerent sustains a damage of which the neutral is unfairly made the instrument. If the neutral willingly connived at the damage, the belligerent so injured has no remedy but a war against such injurious neutral. But it is precisely to prevent neutral States from being absorbed into the vortex of an existing war, that the rule of their conduct has been prescribed by the law of nations, and if they mean to take the benefits and immunities of that rule, they must also be strict in their fulfilment of its obligation. If we, the neutral power, had really been from the beginning unsuspicious of the intention to enter Terceira, no doubt we should have been absolved, as against Don Miguel, by the plea, that we were unconscious of any purpose injurious to him; but that was not our case; we had entertained the apprehension from the beginning. Don Miguel would have had a right to say to us, while these troops lay at Plymouth "You have notice that they have it in contemplation, if you will allow them, to go and reinforce my enemies at Terceira; I call on you, therefore, to take effectual means to prevent their transit thither." To this our answer would have been, "Perhaps, indeed, you have strictly a right to require that, after what the Portuguese have said, through the Marquis Palmella, we shall put an embargo upon their ships; but really, while he is only arguing the question with us, whether we are fairly entitled to detain his people, when they are only urging us to withdraw our prohibition, and have not given us the slightest hint, that if we persevere in our refusal, they will execute this project in contempt of us, their protectors—it would be too strong a measure for us to put an actual forcible detainer upon them, because we suspect a possible bad faith on their part." If we had been told in reply, that it was a mere suspicion of bad faith which had induced us, while yet Brazil was the alleged destination, to send orders that Captain Walpole should prevent the fraudulent landing of the Brazilian-bound force at Terceira, the plain answer is, "that those orders were not to be executed except upon proof, upon our suspicion being made good by the event; but to act on the suspicion beforehand, to impose an actual force in contemplation of contingent fraud, that would be a course which we think, under all the circumstances, we are bound, in common forbearance and respect for the Portuguese Minister and his Sovereign, to abstain from adopting at present. Moreover we have reason to expect, that if we persist, as we shall do, in refusing them permission to enter Terceira, they will recur to their original proposal of returning to Brazil, a proposal which (avoiding at once the objection you have against their going to Terceira, and the objection they have against dispersing themselves through our country towns,) it is on every account our duty to promote, as being in the spirit of a strict neutrality, but which we run the risk of entirely frustrating if we lay an embargo on the transports in our harbours. But then, Sir, if forbearance was shewn to the Portuguese in giving them credit for some degree of fair intention, and in therefore not imposing this embargo while the Marquis Palmella was still pleading against it, who was to pay the price of that forbearance—Don Miguel, or the Portuguese who were benefitted by it? Surely not Don Miguel; if our leniency at that time should be productive of any danger to him, by ultimately enabling his enemies to slip out of our harbours, they surely, and not Miguel, must bear the inconvenience consequent upon their own want of fairness. "Oh," but say the opponents of Government, "You are not to transgress general principles for particular cases. The principle is, that you must detain, if at all, in the harbour, and you had no right to follow the fugitives to sea." Sir, that principle is very broadly asserted, but I want to hear some proof that it exists,—some satisfactory argument to demonstrate that it is either reasonable in itself, or obligatory by the agreement of nations. That a stoppage made by a neutral state has usually been made within the limits of her own harbours, may be very true; and there is this cogent reason for it, that most neutrals are without means to effect such a stoppage beyond the waters of their own harbours, but what is there in principle to confine the remedy thus? If the belligerent sustained a greater inconvenience by being told on the coast of the country to which he is sailing that his entrance there cannot be permitted, than he sustains by being told the same thing in the neutral harbour where he has fitted out his expedition, that might be some argument; but the balance of advantage is the other way. So long as he is detained by the embargo of a neutral state in her ports (there seems no clear rule for determining the duration of such an embargo), he is prevented from employing his resources at all; he can go neither to his intended destination, nor to any other; whereas, if he is warned off the forbidden coast on his arrival in its neighbourhood, he has the choice of any other destination which he may select. These troops, if they had been detained in England, might have complained that England assisted Don Miguel by locking up their forces, not only from unlawful, but even from all lawful undertakings. But by stopping them off Terceira, instead of detaining them here, we left them at liberty to go to Rio Janeiro, or to any of the places to which they pretended in their clearances that they sought to go—we no longer excluded them (as in our ports we should have excluded them) from all other countries whatever; we excluded them only from Terceira, leaving all other countries open to them. But the belligerent would sometimes perhaps consider himself aggrieved if he were allowed to take the risk and trouble of a long voyage in vain, when a detention at the outset would have spared him from these disadvantages. Having transgressed the law of nations in the neutral state, by perverting its shelter into a place of warlike outfit, he, the belligerent, would not perhaps be entitled, with a very good grace, to claim that his convenience should be much considered by the neutral state, in her mode of frustrating his undue measures; but surely, if before he sets out, she gives him notice, as in the present instance we repeatedly did, that he will not be allowed to execute his illegal purpose, he receives not only all the justice that he can strictly ask, but a courtesy to which he is really not entitled. Again, if a greater chance of bloodshed were to be apprehended from a stoppage at sea, than from an embargo in port, that objection to a stoppage at sea would be a strong one; but for such an apprehension, there can be no sort of ground; since the chance of bloodshed must always depend, not upon the place where the interference is made, but upon the degree of strength which the interfering party may have, to render resistance hopeless. Now a neutral state, a state not at war, will not usually have any overwhelming force in any but her two or three principal arsenals; and a single well-armed man of war, sent by her purposely to sea, may be more efficacious to overawe the wrongdoer's flotilla, than all the small craft which may have happened to be lying in any one of her outports from which he may have taken his departure. In the present instance, one person was killed; but why? Because the Portuguese commander, though two previous shots had been fired as signals over his head, had refused to give any attention to those signals. If he had been similarly rash in running out of any British harbour against the orders of the British authorities, a similar mischance might have occurred. All that the neutral state can be expected, or ought to do, whether at sea or in port, is to give notice of her prohibition, before the belligerent quits the harbour; and then, if that prohibition be neglected, to enforce it by such a strength, as a reasonable commander will not think it prudent to resist: if he do resist such a strength, it is he, and not the neutral, who must be blamed. For the life, therefore, which was lost off Terceira, by the fire of the English vessel, it is not, I venture to say, the British Government which is responsible—for they could never apprehend that in the teeth of such repeated notices, and of so overpowering a naval strength, the Portuguese commanders unarmed as their people were always asserted to be, would obstinately press for Terceira; but the responsible parties are the Portuguese themselves, who having committed one breach of neutrality by sending a hostile party from our shores, compelled a second breach of neutrality, by defying our notices in England, and disregarding our naval force off Terceira. It seems, therefore, Sir, to me, that on the score of justness or fairness to the belligerent, no greater objection can exist against the principle of a stoppage at sea, than against the principle of a detention in port. But there are very good reasons, in respect of the neutral himself, and of the general interests of nations, why the stoppage at sea is the more eligible course. If the neutral detain the parties in port, how is he to dispose of them? What restrictions are to be placed upon their freedom, with a view both to the promotion of the object they contemplated, and to the just security of the neutral's own towns and people? At whose cost during their detention are they to be lodged and maintained? All these considerations, though they go only to the question of convenience, and not to that of right, are yet of some weight, if, as I believe, there is no reason of actual law or justice which requires that the stoppage shall be in port. Again, with respect to the general interests of nations, it is clearly for the common good that these extreme remedies should be exercised as seldom as possible. Now, the later the stage in in which they are to be applied, the greater the chance that their application may be finally spared. If the ships be detained in the harbour, the evil, be it more or less, is absolute and immediate; but if they sail for a distant coast, with notice that they will not be suffered to land there, an opportunity of better consideration, a *locus pœnitentiæ*, is given them to the last: their commander may relax in his purpose; other exigencies may arise to require the presence of the force elsewhere; contrary winds may impede their arrival, till too late for the object; and in any of these cases, or in any other case like these, the mischievous necessity of applying constraint will be avoided altogether. Sir, if the troops in question had been acting for Don Miguel, instead of against him; and if we had allowed them to escape us without prevention or pursuit, what charges would not have been made against the Government, of conspiracy and collusion; of wilful intention to be deceived about the license of the arms, of wilful intention to be deceived about the departure of the transports? Why, then, if the English people have a bias against Don Miguel,—and I do not mean to deny that it may be a natural and a justifiable aversion—is not that the stronger reason why the Government should take care to avoid any course which would subject us to the imputation of having swerved from our duty in order to gratify our dislike? Lastly, Sir, it has been alleged, that even if we had the right to intercept this expedition in the Atlantic, we had no right to meddle with it in the waters of Terceira, where the firing actually took place; because that was within the jurisdiction of an independent sovereign, which no neutral state could have a right to disturb. Sir, in order to make that argument applicable, our gun should have been fired within a port belonging to some other power than one of these two belligerents, for as to them no such distinction could take place. Terceira must be taken to have belonged, when our shot was fired, either to Miguel or to Maria. If to Miguel, as to him there could be no disturbance of his territories or other titles; for the measure taken was to prevent an injury designed against himself [*cheers*]. I understand what is meant by that cheer; but can I allow myself to be told that the injury then designed to be inflicted upon that individual, in violation not only of his rights, but of those of all neutral nations in the world, was to be submitted to by the country whom he might justly charge with being the occasion of that injury, merely because his cause or his person may be unpopular? If it was our duty to interfere at all, that duty was not changed because the performance of it happened to operate in his favour. Having put the question as if Terceira belonged to Don Miguel, let us now examine the other alternative. If Terceira belonged to

Maria, then so far from disturbing any independent right of hers by our entrance into the waters of Terceira, we were entering only into the limits of the very power by which the wrongful expedition had been contrived, and into the very spot where the wrong was intended to be executed. Sir, it seems to me that these considerations, which I am sorry to have occupied so much time in presenting to the House, are conclusive to shew that the conduct of England, on this occasion, was such as befitted so great a country; a conduct due not only to the rights of others, but to her own character and faith. Had we allowed these refugees, after escaping from our territorial jurisdiction by a trick, to take advantage of their own fraud, and expose us to the censure of having connived at their expedition, we should in my apprehension, have permitted what our honour in a most peculiar manner enjoined us to prevent; for if it be a point of honour not to endure that any wrong be done to ourselves, it is a point of honour, in my opinion, higher still, not to allow that we be made the instruments of any wrong to others.

Lord *John Russell* spoke to order. The hon. Gentleman appeared to him to have been reading a speech. He did not know whether that were the case—but if so, it was certainly against the rules of the House.

Mr. *Twiss* said, that he certainly had not been reading his speech. It was true, that in the course of the day he had turned the matter over in his mind, and had made rather copious notes on the subject; at the same time he begged to state, that whenever he was aware that he should have occasion to address the House, he adopted a similar course. The practice of his profession necessarily inured him to extemporaneous declamation, and he therefore stood in no need of exculpation from such a charge.

Lord *Sandon* said, that he did not mean to follow the learned Gentleman who had just addressed the House through the whole of the lecture he had read it on the laws of nations, he was content with the broad admission of the advocates of Government, that none of the texts or precedents to be found in those laws justified the conduct pursued towards the refugees. He would admit, for the sake of argument, but for the sake of argument only, that the Marquis Barbacena, and the Marquis Palmella had behaved with perfidy, that the Portuguese refugees were an armed body of men, and that they were bound to make an attack on a possession of Don Miguel's; all these things he would admit, and yet he would deny that this country had any right whatever to exercise authority over them, or assume any sovereign power whatever on the high seas, to control the movements of these independent men. He would defy any lawyer to say that this country was justified in the attack made upon the Portuguese, or that it had any right whatever, by the laws of nations, to attack troops in waters appertaining to the dominions of another power. It seemed to be contended, that because we gave a triple warning, we had a right to interfere; but what business had we to make use of the term "allow;" we did not say so with respect to Russia, or France; indeed, very little was this Government in the habit of using such terms to Powers that were able to defend themselves. It was only to an unprotected individual, like the Marquis Palmella, that such a course was adopted. The spirit that pervaded the whole correspondence on the part of our Government was arbitrary and imperious, as well as at variance with the acknowledged law of nations. If the Portuguese had persisted in landing, and our ships had sunk their vessels, and destroyed them, what would have been the cry then? He must confess that he felt that a blot had been thrown on the character of England, by the course that had been adopted, and as an expression of that feeling he must say that he concurred most cordially in the Motion of his right hon. friend.

The *Solicitor General* was of opinion that the Government of this country was not only justified, but was called on by every principle of the law of nations, to prevent armed troops going from this country for the purpose of attacking a belligerent. The first question to be considered was, whether or not the men arrested in their progress were a military body. The Portuguese minister always treated them as troops. He applied to the Government for a passage for them as troops in a British man-of-war, and this was also shown by General Stubbs going to Plymouth, and addressing them as troops. The latter circumstance had particularly attracted the attention of the Duke of Wellington; and to this was to be added, that they were joined by men levied and organized in Germany. The mere reception of those persons too in this country had placed us in a doubtful position, and the Government was compelled to act as it did to convince Don Miguel, and all Europe, that we were guided by the principles of the strictest neutrality. He was ready to join the right hon. Gentleman who opened the debate in expressing the warmest sympathy for one of the contending parties, and of dislike to the other; but the present question had no reference to our feelings, it was simply to ascertain whether we were not bound to steer a straight-forward neutral course between both. Our conduct in allowing those troops to collect here was inconsistent with neutrality, and if we had not interfered, Don Miguel would have had a right to say that we were preparing an armed force on the shores of this country for the purpose of attacking his territories. The question simply was, whether the circumstances were such as to justify us sending a naval force off Terceira? The law of nations required the Government to prevent an armament going from our shores, and therefore the Ministers were justified in preventing the thing being accomplished by fraud. The troops not choosing to disperse, it was agreed that they should be allowed to go to the Brazils, and the clearances of the vessels were made out for Rio de Janeiro. In the course of the affair the conduct of this Government had nothing in it ambiguous or doubtful; and he wished he could say the same of the conduct which had been pursued by the Marquis Palmella. Notice was sent to him to say that any attempt to proceed to Terceira would be resisted; and, therefore, it was quite evident that the Portuguese were made acquainted with what the intentions of this Government were. The Marquis, therefore, wantonly placed himself in a situation of danger—either expecting that he would escape our ships altogether, or that they would not interfere to obstruct the progress of his followers. He did not argue the question at all on general principles, he looked merely at the circumstances of the case, and they, he contended, justified the Government. A large body of armed men was collected in this country, who, by means of a subterfuge, set forth to make an attack on another state, which the Government, while it professed neutrality, was bound not to allow. If these troops had been permitted to reach Terceira, would this country stand as it now did in the face of Europe? He contended that it would have been quite impossible for this country to have justified itself to Europe at large; while now the conduct of this country was irreproachable, and its neutrality undeniable.

Sir *James Macintosh* said, that the question had been so well, and so ably discussed, that it required no aid from him; but he should consider himself disgraced if he abstained from delivering his sentiments on the subject on every occasion. Amidst all the singular circumstances belonging to the whole transaction, he knew of none more remarkable than the address of his hon. and learned friend, the Solicitor General. When a lawyer like him, holding such a high station in his Majesty's councils, standing in the first rank of his profession, having made his way to the exalted eminence on which he stands by the only means by which a man can rise to eminence in this country—the exercise of profound legal knowledge, and the possession of great talents; when a Gentleman in his station, and of his character and profession, rose to address the House on one of the most important questions of international law that ever was agitated within the walls of Parliament, it was certainly to be expected that he would have treated it in a manner becoming the gravity of his profession, and with the learning belonging to his high station. Hearing him say that the Government was called upon to act as it had done by the laws of nations, he heard words which might not have excited expectations of a serious sequel, if they had been uttered by any other person, more accustomed to popular speaking than to legal discussion; but hearing them fall from his hon. and learned friend, he did naturally expect that the learned Gentleman would have told the House where to find one single principle stated, laid down by any writer, acknowledged in any treaty, adverted to by any Judge, sanctioned by any authority, which could in any manner be made to justify what, in his conscience, he conceived to be nothing less than an act of lawless violence. The hon. and learned Gentleman had stated, that it was justified because a fraud had been committed by certain Portuguese and Brazilian ministers, and that his Majesty's Government had thereby acquired a right to interfere with the parties guilty of the fraud, and contracted a duty towards the other belligerent to prevent the parties practising the fraud from profiting by it. With the exception of a most marvellous paradox, propounded by the Under Secretary of State for the Colonies, and the mistake of the Vice-President of the Board of Trade; this seemed to him to be the only ground of justification that was worthy of a moment's attention. But the weight of this argument, if it had any, was, that when once fraud had been committed, every violence and aggression was justifiable. Was this true in international law? Was it true in municipal law? Was it adjudged by any decided cases? He defied any lawyer, however subtle or acute, to cite any one instance that could bear out so monstrous a proposition. The general rule on this subject—the maxim always relied on—was, not only that you are not to make war in a friendly territory, but you are not to make war in a neutral territory, or in that high sea which is the common road of nations, and is a neutral territory to all: you were excluded from a friendly and a neutral territory, and could only make war on an enemy's territory. This was the doctrine laid down by Bynkershoeck. This did not justify any act of hostility committed in the waters of a neutral power; on the contrary, it expressly forbade any such act. It was a maxim of the law of nations, that one belligerent was not even to attack another within gun-shot of a neutral territory. Every page of the law of nations expressly forbade any such acts of hostility. These maxims had, on that occasion, only been opposed by some general reasoning; and general reasoning not employed to diminish the horrors of war, not to set bounds to extermination, but to justify extending it further than it had ever before been extended. To such general reasoning he would give an answer from the highest authority—not from any reasoning of his own, but from the very highest authority England possessed on such subjects, and he need hardly add that he meant the authority of Lord Stowell. In a case well known to those gentlemen who studied that branch of the law, the case of the Flaydoyen, to be found in the first volume of Sir Christopher Robinson's Reports, Lord Stowell said, "In my opinion, if it could be shown that regarding mere speculative general principles, such a condemnation, or such an act was lawful, that would not be enough. More must be proved, it must be shewn that the act is conformable to the usage and practice of nations. A great part of the law of nations has no other foundation, it is introduced by general principles; but it travels with these only to a certain extent, and if it stops there, we are not to go any farther. On these general principles it is lawful to destroy an enemy, and it makes no difference in what manner it is done; but the practice of mankind must make the distinction, and prohibits other modes than those authorised by it." The object of the noble Lord was, to show that general reasoning could not justify every act that fell within the law of nations, but it must be also justified by the received practices of nations, to which it must conform. The Law of Nations had, in fact, no other foundation than the practices of nations, and an act that did not conform to those practices could not be valid. He would not, on that occasion, quit the vantage ground of Lord Stowell's authority to run a race for the prize of paradox with the hon. member for Wootton Basset—he would rely upon that authority, upon the authority of Bynkershoeck, and of all writers on this subject, that these laws were not determined by reason alone, they were regulated *ratione et usu.* He contended, that the laws of nations were determined by the usages of the civilized nations of Europe. The right hon. Gentleman illustrated this view by referring to a case in which the Imaum of Muscat was surprised to find his property protected by the laws of European nations, which he did not understand, and which were contrary to his own usages when engaged in war. It was necessary to adhere to those rules and practices, and not make others, by a process of reasoning; they must be adopted as they had been practised, though they might sometimes be restrictions on ourselves. The argument of his right hon. friend, the Vice-President of the Board of Trade, was, that we had a right of war against Portugal, though he did not say against which Sovereign of Portugal; and, having that right of war, his right hon. friend had contended that we had a right to carry it into execution as we had done at Terceira. But had we ever demanded reparation of the Sovereign who was said to have injured us? If that demand had been made, and reparation refused, then we might go to war. In this case the insult was offered by a minister; and what a state would the world be in if every error of a minister were made a ground of war, without first asking for reparation from the Sovereign! He would not vindicate the Marquis Palmella, whom he had the honour to know, and knew to be as honourable a man as any in the world, from any of those accusations which had been made against him; he was content to allow that necessity had sometimes driven that nobleman to the very frontier of propriety; but he would say, that the conduct of those parties in England, which had been long and elaborately dwelt on by an hon. Gentleman over the way, who had abstained from doing any thing so impertinent as touch upon the question at issue, had nothing to do with the conduct of the English Government at Terceira. But on that, there seemed to be some mistake, for during two months all the exertions of the Marquis Palmella and Count Itabayana were employed to prevent those troops going to Terceira. They considered their leaving England as a calamity, and instead of making exertions to bring the troops and the arms together, they tried to keep them asunder. The object kept in view for two months, both by the Marquis Barbacena, and the Marquis Palmella was to retain those troops in England, and away from the arms sent to Terceira by Viscount Itabayana. The conduct of the ambassadors, supposing it to be as represented, and the stoppage of the Portuguese refugees were not, therefore, parts of the same transaction, and the former did not justify the latter. With reference to our relations with Don Miguel, he would remind the House that there was a Revolution in Portugal in 1668, and that then a Don Pedro dethroned his elder brother, Don Alphonso; on which occasion, Charles 2nd, who was not supposed to be over scrupulous, refused to acknowledge the usurper for upwards of twelve years. There was a letter extant, written by Sir Leonine Jenkins, in 1680, which stated the reasons why the Sovereign of England would not recognise Don Pedro; and those reasons were that the King had not yet received sufficient information as to the legality of his possession of the Throne; that there were, certain circumstances in his family history which were not so well explained as to authorise Charles 2nd to acknowledge him; and that his Majesty of England must, as a Christian King, be satisfied on all those points before he could recognise the legal authority of Don Pedro. Charles 2nd was perhaps too scrupulous, for Don Pedro did not appear to be quite as bad as his successor in usurpation; and he could not help expressing his satisfaction that a man was not yet admitted into the Club of Monarchs who would be blackballed by every Club of Gentlemen in Europe. He could conceive nothing worse for legitimate monarchy than that those who exercised its high functions should be of so bad a private character that no gentleman in Europe would associate with them. Don Pedro was not accused of being a tyrant. There was no Marquis Loulé, and no story of the floor of a palace stained with noble blood, by the hand of a royal tyrant. It was never charged against Don Pedro 2nd that he had been engaged in a parricidal rebellion, and had accepted a pardon for such a rebellion in the face of all Europe. Great Britain, too, had not engaged herself to give any support to the adherents of a Don Alphonso. She had not promised them assistance; nor encouraged them to make an attack on Don Pedro, only to lure them to ruin. Don Alphonso had never been taught to look to her for support. There was another difference also. It was not charged against the usurper of the seventeenth century, that he had insinuated himself into the confidence of the King of Great Britain, and had practised the foulest frauds on him, not in the character of a diplomatist, for that might be excused, but in the character of a gentleman and in the intimacy of personal intercourse, and confidential friendship; he had not inveigled himself into the confidence of the King of Great Britain, and, by promises that he never meant to perform, been permitted to return to Portugal; he had not abused that confidence; he had not vouched for his own good conduct, and obtained the support of pecuniary credit to establish himself in Portugal. The Don Pedro of the seventeenth century had been guilty of none of these frauds, worthy only of a man of the most despicable character. Don Miguel had insulted the King of Great Britain, and he was perfectly convinced that the King of Great Britain, could he lay aside the restraints of royalty, would have found himself called on personally to resent it;

but he was prevented by his high station. His Majesty not being allowed the privileges of private life, his subjects were bound to revenge the insults offered to him. He did not say that the character of Don Miguel could give us any reason to interfere, but it was a great aggravation of the insult, and of the usurpation, that the usurper was a monster. It was an old saying of a pithy English writer—who was not, however, very popular—that no man declared against reason till reason had declared against him. This was the case with many of his opponents. They could find in all the laws of nations not one precedent to justify the affair of Terceira, and they turned round, therefore, and decryed the laws of nations. An able writer, who had treated this subject with a view to justify the conduct of Government, had said, that he would not refer to the laws of nations, they were so flexible and various, which meant that he could find nothing in them to defend or justify the proceeding. So said he. He considered that the conduct of the British Government off Terceira was a most flagrant breach of the law of nations.

Mr. *Croker* said, that the right hon. Gentleman had censured his hon. and learned friend, the Solicitor General, for treating this subject with levity, but the right hon. Gentleman himself had not observed a becoming and serious gravity. The right hon. Gentleman, too, assuming the tone and character of a grave expounder of the law of nations, said, that he would treat it with legal ratiocination; but he had conjured up a bloody usurper, and robed him in the most odious colours, to enlist the sympathies of the House against him and make reason be disregarded. There was, however, the highest authority for saying that the character of one of two belligerents ought not to influence the conduct of a neutral. The right hon. Member had a great respect for Bynkershoeck, and what did that learned civilian say on this very point:—"According to my judgment, the justice or injustice of the cause of the belligerents is no question for a neutral. It is not his business to erect himself into a judge between two parties who are arrayed in hostility against each other, and upon account of the justice or injustice of their respective causes, to give or to deny more to one than to another." The sentiment he observed was received with satisfaction on the other side, and therefore he was astonished that attacks on the character of one belligerent should have been received with approbation from the same quarter. The supporters of the Motion contended that there was nothing in the history of the law of nations which justified the course pursued by his Majesty's Government. The reason was, that the case was unprecedented. The Portuguese refugees were received in this country from motives of humanity; but when they began to organize and arm themselves, they were not only dangerous to our own peace, but it would have been an infraction of our neutrality to Don Miguel to have allowed them to proceed. All that they were asked to do was, to divest themselves of their military character and to disperse; but this the Marquis Palmella refused, on the ground that he should then lose the hold he had upon the apprehensions of the usurper. He had a perfect right to say so—but we had also a perfect right to say, "Then you must go away." We should not have been justified, however, in permitting them to go away otherwise than as they came: they came as individuals, and as individuals alone could they be allowed to depart. The hon. Member seemed to have a strange notion of the meaning of the word individual, when he spoke of men organized into a military body as individuals. He must maintain, in opposition to such an assertion, that men going out in transports, paid for by their minister, and under the command of officers, did not go out as individuals. This strange interpretation of the word "individual," reminded him, he said, of the joke of the comic writer, "I am no more an individual than yourself." If, abusing our hospitality, the Portuguese had collected themselves into an armed body, and had also levied troops on the Continent, for the purpose of forming a combined expedition against Portugal, we were bound by our neutrality to prevent them from availing themselves of that abuse. They knew that if they sent out the men armed we should at once interfere; and to avoid that, they proposed to separate the men from the arms. From the first moment it was evident that their object was, to make an attack on the island of Terceira. He said an attack—for the citadel at Angra was the only spot of the island that was at that time loyal to Donna Maria. To Angra, therefore, they sent the arms, and the men were to follow, and from Angra they were to conquer the whole island. There was no blunder in doing that. It was said, indeed, that as the island of Terceira remained faithful to Donna Maria, the idea of an attack to be made on it by these troops was absurd. But the Marquis Barbacena stated, on October 12th that, the island was in want of assistance, and on the 20th of December the Marquis Palmella applied for leave to send the troops thither to take possession of the island for Donna Maria. He stated that the enemy had disappeared from the western islands, and that nothing was required but the presence of the troops to secure them for the young Queen. Did that statement shew that the island had previously been obedient and faithful to her? Certainly not. At first it was proposed that these troops should be sent to Rio Janeiro, and to that the Duke of Wellington said, he had no objections. But on the 20th of December the Marquis Palmella wrote to the Duke of Wellington, and among other things he said, "The communications which I have lately received from the island of Terceira open a new prospect, and assure me that this island remains tranquil and entirely under the legitimate government; that her Majesty, the Queen Donna Maria the 2nd, has been proclaimed there by virtue of the abdication of her august father; and that the expedition which the Government *de facto* of Portugal had sent for the purpose of invading it, has entirely disappeared from the latitude of the Azores. Under such circumstances, I cannot doubt that the Portuguese refugees who are about to leave England may direct their course towards the island of Terceira, without any infraction of the principle of strict neutrality which it is the desire of his Britannic Majesty's Government to preserve." It was in consequence, therefore, of this information that he changed his mind, and resolved to send the troops to the island of Terceira instead of sending them to the Brazils. Who therefore could pretend to say that the island had always been in the possession of the friends of Donna Maria? But it was said, that if we had a right to prevent those persons arming themselves here, we had no right to follow them over the sea. Who was it, however, that first suggested to the English Government to extend the protection of her neutrality over the high seas? Who first proposed to send our ships to sea for the purpose of taking any part in the proceeding? The Marquis Barbacena. He proposed that we should send a convoy with the Portuguese, which would have been as great a violation of neutrality as could be imagined. This proposition was rejected indeed by the Duke of Wellington; but by what right did the Marquis Barbacena complain of that rule being applied to him which he desired to have applied to another. It was an old maxim—*volenti non fit injuria.* By whom was an extraordinary interference on the part of England again proposed? By the Marquis Palmella. He asked first for a convoy, and then for a guarantee. The Duke of Wellington agreed to give a convoy, but on condition that the Portuguese went to Rio de Janeiro. Subsequently, however, the Marquis Palmella was led to exchange a convoy for a guarantee. Now as a guarantee was much the less efficient protection, he should have been at a loss to understand why the Marquis Palmella preferred it, but for the following circumstance—In a daily paper, published in London, which in general was extremely well informed, he meant *The Times*, there was inserted on the 10th of December, 1829, an article which let him into the whole secret. Whether it had been suggested by the Marquis Palmella to the Editor of *The Times*, or whether it was the suggestion of that ingenious gentleman's own mind, he did not know, but the article was as follows:—"Without entering further into the question, we may observe, that there is a current report on this subject which is not likely to be true. The report to which we allude is, that the English Government insists upon escorting the transports with the emigrants on board to Brazil, in order to prevent them from effecting a landing at the Portuguese island of Terceira." This was on the 10th of December; and, a few days after, the Marquis Palmella refused the convoy, and asked for the guarantee. The impression on the Duke of Wellington's mind, however, had been, that the object, from the first was Terceira; and he was determined that what they could not do honestly they should not do by trick or fraud. That was no hardship. Departing from what might be called strict neutrality, his Grace, with statesman-like humanity, had permitted those unfortunate persons to find an asylum on our shores; but was he therefore to permit them, under the semblance of a peaceful return home, to carry bloodshed into an island in which civil war prevailed? As it was, one life had been lost; if a contrary course had been pursued, the consequence might have been the loss of hundreds and thousands of lives, in Portugal as well as at Terceira. Terceira was not, in fact, in the hands of their party, and if the endeavour to obtain possession of it had drawn down desolation on the island, and the slaughter of its inhabitants, who would have been to blame but those who, with insane obstinacy, sought to effect the conquest of it? His right hon. friend had alluded to the German auxiliaries, and he might be disposed to admit, that under ordinary circumstances, our interference with those auxiliaries might not have been justifiable, but they were so mixed up with the refugees, that it was impossible to separate one from the other; at the same time he must affirm, that the junction of those mercenaries was the most flagrant part of the transaction. The Portuguese refugees might be looked on with some indulgence, they might long for home, they might be anxious to escape from a spot where he admitted their presence was not acceptable after they had begun to assume the attitude of a military body, but what excuse could be found for engaging an armed band of mercenaries in the same cause? An attack by such a force had no possible justification or excuse; he might sympathize with the suffering Portuguese, and allow them the hospitality of our country, but who could sympathize with their hired mercenaries, or allow them to harbour here, in order to concert an attack on a power towards which we professed neutrality. The noble Lord who spoke from under the gallery (Lord Sandon) had asked upon what authority the Duke of Wellington said, he would allow those persons to leave this country, but not to go to Terceira; and he would tell the noble Lord why the noble Duke used the word allow. He had previously allowed this military force to embody itself in England, the charity and sympathy of the Government for the Portuguese having been carried further than the principles of the neutrality it professed would warrant. The Duke having done wrong in the first instance, as he himself admitted, was obliged to continue the exercise of his assumed power in order to prevent, as much as possible, the evil consequences of his first false step. The Duke of Wellington was charged with cold-blooded severity towards those men; our deviations from neutrality were said to be all against them; when the fact was, that our principal deviation from the strict line of neutrality was entirely in their favour, and led to the consequences of which they complained. How it could be gravely asserted that the act of hostility—the cruel act of hostility as it had been called—had taken place without notice, was what he could not comprehend, when the Portuguese were officially and peremptorily apprized that they must not go to Terceira, and that effectual means had been taken to prevent them if they attempted it. All the observations of his right hon. friend on this point might be delightful eloquence, but they meant nothing; they represented no fact, they only represented the glowing feelings, and the humane sentiments of his right. hon. friend. The Government was reproached too with something like cowardice and bullying. It was said, "you knew whom you had to deal with; you chose your victim, you knew it was not France or Russia you were attacking, you dared not do as much to them; you are like children, you only beat them that cannot resist." But when did the Russians or the French put themselves in the same position with regard to this country? and till they did, such analogies were anything but argumentative or instructive. The question was, whether we ought to allow a body of men to arm and organize themselves in our ports in order to attack a power with whom we were at peace? We chose no victim—we gave supplies to the necessitous, and when we found them arming for war, we told them that there were certain places where they could not go to commit their devastations. They were thrice told that our ships were off Terceira, and that they would not be allowed to proceed thither; and if they were victims, therefore, they immolated themselves. Not only were they warned here, our frigates warned them also off Terceira, and if they persisted, the fault was their own, and the consequences the result of their own folly. By the Government of this country those unfortunate men were treated with indulgence and with the greatest humanity; and when it was rumoured that Don Miguel had sent a squadron from Lisbon to intercept them a vessel was instantly despatched, with orders to our men-of-war in that neighbourhood to resist thesquadron, sh ould it make any such attempt, and convoy the refugees beyond its power. If this were a deviation from neutrality it was not in favour of Don Miguel, and it shewed the disposition of the Government of this country towards those unfortunate persons. With a magnanimity which had not often been witnessed in governments, when they quitted England their previous faults were forgotten; when it was rumoured that they were in danger, protection was granted them, and before it was even rumoured that they might suffer from famine, the Government, with careful humanity, supplied them with provisions. This was another deviation from neutrality, but it was not in favour of the usurper. With such examples before the House—with these people permitted to land and arm on our shores—with our granting them protection, and supplying them with provisions—it was monstrous to assert that we had been hostile to them and friendly to their opponent. In the arguments and statements of his right hon. friend he could see nothing but analogies and anomalies which involved the whole subject in confusion. All we had done was, to maintain our neutrality; and the plain facts of the case would make it quite clear. A body of men came here in distress, begging charity and protection; they received both; they then grew strong and wanton, and began to think of war; they armed and organized themselves; and then, without ceasing our hospitality, we informed them that they must not quit this peaceful and neutral country as warlike invaders; we had a right to say, no military force shall leave our shores to attack either a king *de facto* or a king *de jure*, but his right hon. friend thought this was going too far; and that our neutrality should be like a Quaker's humility, who suffered his nose to be tweaked and his ear to be pulled, and that we should do nothing more than say with all submissiveness, "Friend thou painest me." His doctrine was, that we might advise and suggest, but not restrain; that we might give hints, but whatever the belligerents might do, neutrality bound our hands, and we had no alternative but to suffer ourselves to be insulted; in what his right hon. friend described as neutrality, he could find nothing but degraded and degrading impotency. It had been said, that the character of the country was lowered by these transactions; would it have been raised by allowing ourselves to be insulted by a foreign armament? The governments of the Continent might well complain if, either out of impotency or ill will, we suffered military expeditions to sail from our shores, and converted Great Britain into a place for organizing hostile armaments. Whatever degradation might be the consequence of our proceedings, he was sure that we should have been ten times more degraded had we suffered these men to effect by fraud what our own municipal laws forbad. If we had not stopped the designs of these men, if the Government had been guilty of such an act of culpable negligence, it might perhaps only have hazarded the safety of the State, but certainly it would have ruined our honour as a nation.

Mr. *Charles Wood* contended, that it was ridiculous to call these men who came unarmed to this country, who left it unarmed, and who never had any arms, a military armament; what propositions had been made by the Marquis Barbacena or the Marquis Palmella, or what had been their acts, had nothing to do with the present Motion, which related wholly to the conduct of the British Government. The arguments of the right hon. Secretary of the Admiralty seemed to furnish additional ground of complaint; for according to his shewing, that interference, which had been refused at the request of the Marquis Barbacena, had been voluntarily undertaken against him when, after the refusal, he could not possibly anticipate that the Government would act on such a principle. That House was not bound to examine the conduct of foreign ambassadors, but it was bound to vindicate the country from the imputation of injustice. Unless some explanation should be given, much more satisfactory than any he had yet heard; unless some arguments should be stated, more forcible than he could conceive, he should continue to think that the Government of this country had committed an act of injustice, and that it would be becoming in that House to rescue the country, by its vote from the stigma cast on it by the act of the Government.

Sir *Francis Burdett* complimented the right hon. Gentleman who had brought forward, the Motion, to whose exertions he said, every Englishman must feel himself indebted, and contended, that the right hon. Gentleman who had last addressed the House, had only stated a number of facts, foreign to the question at issue, from which he had himself forgotten to draw any inference. The professional Gentlemen who had addressed the House had not been successful; they lost sight of the general principles the question involved, and argued it on so narrow a foundation, that he was inclined to think it confirmed the observation usually made as to gentlemen of the long robe. It was said, that however ingenious they might be in argument, and however ready in debate, they seldom took a comprehensive view of any question, and seldom threw much light on those questions of general policy which they sometimes undertook to discuss. One hon. and learned Member favoured the House with a well-considered and voluminous dissertation, delivered with a kind of maidenly modesty which seldom appertained to gentlemen of his profession and robe, going through the whole ordeal which he imposed on himself with singular dexterity and great memory, but with so little satisfaction or instruction to the House, that most of the Members, like himself, were at a loss to find out what part of the question then before the House the hon. and learned Member meant to elucidate, or whether he did not mean rather to confuse and perplex the whole, than illustrate any particular part of it. The noble Lord who had followed the hon. Member, had in a very plain and manly way stated every proposition, so that every Gentleman, whether he assented to it or not, could at least understand what the noble Lord meant—he had destroyed all those lucubrations which had employed the hon. and learned Member so long a period to prepare. The right hon. Gentleman who had last spoken had charged the Portuguese refugees with deceit in their endeavours to get back to their own country; but he had unjustly charged them, for they had been guilty of no deceit. They flew to this country as an asylum in their misfortunes—they expected sympathy and support—and disappointed in this, they asked for a convoy to protect them beyond the reach of their enemies. When that was refused, were they not bound to try other means of returning to their own country; and when they ascertained that a large island still obeyed their own sovereign, that was their country, and to that they were bound to steer. It was not by shirking their duty, and remaining here in security while their services might be useful elsewhere, that these men could have merited the praise of honour and patriotism. To prevent them returning to their country did appear to him a most outrageous act on the part of our Government. To him it appeared that a fallacy pervaded all the reasoning on this subject, and every Member who had spoken had contended that the Government had or had not a right to do as it had done. But the question was not only whether this country had a right to act as she had done; but whether it were magnanimous to use that right. The use of a right sometimes inflicted a great wrong. England owed her liberties to the Dutch having behaved more liberally to English patriots formerly than the English Government had now behaved to the Portuguese lovers of freedom. Those hon. and right hon. Gentlemen who thought that England had not lost character by forgetting her customary maxims of magnanimity, only proved that they knew nothing either of Englishmen or foreigners beyond the purlieus of St. James's or Whitehall, and if they once travelled beyond these they would soon become sensible how much England had lost by the transaction. He was astonished to hear such sentiments and such principles in a British House of Commons, where they never would have been expressed had not its Members degenerated in disposition and mind from their ancestors. Britain, who owed her own liberties to the protection her exiled patriots received, should be the foremost in protecting the exiled patriots of other countries. Was it right, then, to banish these people from our shores—to pursue them into the territories of their own sovereign, and prevent them even from attempting to recover their country? It was said there was civil war; but he could tell the learned Doctors of the Law, that a nation might side with either party, in a civil war, which it thought had right on its side. That was both a principle of international law, and it had been the practice of the wisest nations; it was one, too, which this Goverment had acted on in the present case, but it had unfortunately taken the wrong side; Don Miguel was the child of England, and had Mr. Canning been spared, Don Miguel, he believed, would never have usurped the crown of Portugal. Here he learnt the secret wishes of the English Cabinet—here he learnt that usurpation had nothing to dread from the English Ministry—and here he was able to form those schemes which he had since successfully carried into execution. The right hon. Gentleman, the Secretary of the Admiralty, had spoken of the calumnies thrown on Don Miguel; whether he deserved what was said of him or not, he would not stop to inquire, being satisfied that he would have escaped those calumnies, and Great Britain would have been spared some insults, had the language and conduct of her Government been what they ought. We might now regret the past, and Miguel might say—

"Had'st thou but shook thy head, or made a pause,
When I spake darkly what I purposed,
Or turn'd an eye of doubt upon my face,
Or bid me tell my tale in express words,
Deep shame had struck me dumb, made me break off,
And those thy fears might have wrought fears in me.
But thou didst understand me by my signs,
And did'st in signs again parley with sin."

But we could not turn upon him and say, we gave him no encouragement. Had we frowned upon his project, it would, it must have failed. Such a line of policy as ours was justified by no necessity, it was defended by nothing but the pusillanimity of the Ministry, who seemed afraid to preserve the national honour, as if so great a burthen would sink them. According to the law of nations, this free country had a right to assist a people struggling for freedom. Justice, humanity, common-sense, and self-interest, sanctioned such a course. We were not bound to remain neutral in a contest between freedom and despotism; but we did worse than remain neutral, we made ourselves into a sort of police for Don Miguel. We were not bound by any principle of neutrality to blockade the Western Islands for him—we were not bound to disperse his opponents when they visited our shores; we might have the right to do so, but it was neither wise nor magnanimous to anticipate the wishes of a tyrant, and aid him in accomplishing the slavery of his country. It never was, he believed, asserted till now, at least it had never been asserted in Britain, that a free government should treat men, struggling for freedom, like wild beasts, and worry them. The principle on which these Portuguese refugees acted had, in ancient times, made men heroes and demi-gods; it gave lustre to the names of Sidney and Hampden, and had illumined with glory the pages of Grecian and Roman history. Even according to the principle of the right hon. Gentleman opposite, the Government went beyond its duty; it had no dominion on the sea, and yet it assumed power there, and played the part of an executioner. By what right did it murder men in their own ports? If that were the law of nations, according to the construction of the English Government, he hoped that law might never be applied to Englishmen in their adversity. To justify the transaction complained of, it must be maintained that we were bound to commit acts of hostility; but no person had gone the length of maintaining that. It was well known that Sir Robert Walpole was remarkable for intrepidity of countenance, and on one occasion he gravely stated, that in his opinion no gentleman could be influenced in his public conduct by the mere fact of his holding office under the Crown. To him it always appeared, that the observation of Sir Robert could not be surpassed, but he did think it had now been outdone by what had fallen from the right hon. the Secretary to the Admiralty. That right hon. Gentleman candidly admitted that there had been some slight deviations from the principle of a strict neutrality, but to the surprise of the whole House, even including the Gentlemen who surrounded the right hon. Secretary, he asserted, that all those deviations were in favour of the refugees, that all the sympathy of the Government had been shewn to them, and that they were the objects of its humane and fostering care. If such were the wishes of the Government, the result was most unfortunate, and Government, like the man in the story, must be destined to be the ruin of its friends. Those deviations from neutrality had first raised and established the power of Don Miguel, and afterwards destroyed even the hopes of the unhappy persons who were the peculiar objects of the sympathy of the Government. The question before the House lay within a very narrow compass. No sophistry could pervert or disguise the fact, that we had followed those persons over the seas, into their own ports, and there committed acts of hostility and war upon them, disgracing the character of this country and injuring the cause of liberty; and he knew no way in which what had been lost might be partially recovered, but for that House so to mark its sense of the transaction, that all future Ministers might be made aware that such a course of policy, inconsistent alike with the welfare of Great Britain, and the progress of liberty throughout the world, would ever be visited by the severe condemnation of that House.

Mr. Secretary *Peel* said, that he felt great obligations to the hon. Baronet for the new light he had thrown upon the discussion. In a manner the most generous, if not the most discreet, he had disclosed the real tendency and object of the Motion. He flung to the winds the dry abstract question of the law of nations; away, he says, with your Vattels and your Bynkershoecks—away with all inquiries into the jurisdiction you have exercised under the laws of nations; I impugn the policy of your neutrality; the principles which animated the patriots of Greece and Rome ought to have guided you; and you ought to have upheld the principles of liberty by making, war on Don Miguel. And that, however disguised, was the real ground for the attack now made on his Majesty's Ministers; their neutral policy was impugned through the affair which happened at Terceira. Like the hon. Baronet, he would not involve himself in legal subtleties—he would only appeal to the plain good sense and common understanding of hon. Gentlemen, having thus merely reminded those who were prepared to vote upon the abstract right of the question, what, according to the views of the hon. Baronet, ought to have been the policy of this country in order to promote the general principles of liberty. He was disposed to speak of the Portuguese refugees with sympathy for their sufferings, and respect for their misfortunes: they came to our shores claiming our hospitality, and they were kindly received; they had since left it, and perhaps all of them had not even yet found a place of refuge. When they came to this country, Government recollected the circumstances under which Don Miguel had usurped the government of Portugal—he repeated, usurped the government of Portugal—and though we consented to afford them a temporary asylum we resolved to maintain a strict neutrality. It was for the interest of Great Britain not to foment civil dissensions in Portugal. The decision of his Majesty's Ministers had on several occasions received the sanction of that House, a majority of which had more than once declared, that it was wise for the country to maintain a strict neutrality between the contending parties in Portugal. He admitted the distinction drawn by his right hon. friend who opened the debate, between a voluntary and a stipulated neutrality; but that distinction had nothing to do with the present question. We were not bound, he would also admit, to remain neutral, but having chosen neutrality as our best policy, we were bound rigidly to observe its principles. In that respect voluntary neutrality did not differ from stipulated neutrality, and both equally conferred some privileges, but imposed important duties. To Don Miguel, who was King of Portugal *de facto*, this country was bound to look, to maintain the engagements entered into by Portugal towards this country. Whenever Don Miguel displayed a disposition to violate the engagements subsisting between England and that country, even so far as regarded the rights of an individual, he had been threatened; and consequently, when the Government enforced the strict performance of treaties on the one hand, it was bound to maintain a perfect neutrality on the other. The House would recollect that an attempt was made to oppose the government of Don Miguel by force, and that attempt having failed, most signally, the persons engaged in it sought refuge in Spain. Did the Government of this country, then, shew no sympathy with these persons? It was not bound to interfere for them, it might have left them to the Government of Spain, but it took a more active and generous part. Messengers were despatched to the Spanish government, requesting it to extend the time granted to these refugees to remain in Spain; that request was granted, all means short of actual interference by force to protect these people were adopted, and it was upon an understanding with the British Government, if not upon its invitation, that they came into this country. In short, every measure, except a breach of neutrality, was resorted to for the benefit of the refugees. When they came here we told them, in the most friendly but candid manner, that we would do every thing for them in our power but commit a breach of neutrality; such as recognizing them as a military force, or allowing them to act as such. They found an asylum here, and the conduct of his Majesty's Government displayed any thing but a want of sympathy for their sufferings. When the Marquis Barbacena first applied to the Government for facilities to fit out an hostile expedition, the Government was obliged to look on the refugees as an organized body of troops. As such they could not be allowed to remain in England, and they were told that if their object was to threaten the Azores or any other portion of the territories that acknowledged the government of Don Miguel, that would be a breach of our neutrality, and we must decidedly oppose it. His right hon. friend had accused his Majesty's Government of having availed itself of the existence of civil war in Terceira as a justification of its conduct, when, as he asserted, that civil war did not commence till after we had stopped the expedition going to Terceira. But he held in his hand the most indisputable proofs of the existence of civil war at Terceira antecedently to that time, and which were in the possession of his Majesty's Government at the period when it gave orders for stopping that expedition. It was not necessary for him to refer to those proofs, they were on the Table of the House, and would soon be in the hands of hon. Members. He would only observe, that it was well known that the port of Terceira is a strong position, within the limits of which, on a memorable occasion, the Spanish and Portuguese vessels found refuge; it was equally well known that soon after Don Miguel ascended the throne of Portugal his authority was recognized in every part of the Portuguese dominions except this island, and there also his authority would have been recognized but for the presence of five regiments, who were in the interest of Donna Maria, and held the fortress in her name. There was a despatch on the Table from General Caffiera, dated October 3rd, 1828, and he could not conceive how it was possible for any person to read that despatch and doubt for one moment that civil dissensions had existed at Terceira antecedently to that time, and that but for these regiments the whole island would have acknowledged Don Miguel. He had, he thought, fully justified his Majesty's Government from the accusation of seeking a pretext in subsequent disturbances for its own antecedent conduct. The disturbances existed long prior to that part of the conduct of the Government which the Motion went to censure. The next question for consideration was, the character of the expedition, and his right hon. friend contended that, going unarmed from our shores, the refugees were not to be considered as a military body, and that their conduct was no breach of our neutrality. Was it then to be contended, that no expedition was a military expedition except the troops had their arms on board the same vessels with them? If they were on board one vessel, and their arms in another, did that make any difference? Was such a pretence to be tolerated by that common sense to which the hon. Baronet had appealed? During the whole time the refugees were in this country the Marquis Barbacena spoke of them as troops, and General Stubbs addressed them as such in a military order of the day. Would it do then for the Government of this country to tell all Europe that it had no knowledge of their character and no cognizance of their departure? Arms were already provided for them at Terceira; the men were proceeding thither for the purpose of using the arms, and no person could for one moment doubt what was the real nature and character of the expedition. Some time before the Marquis Barbacena requested permission to send some arms and ammunition out of the country, and he then distinctly declared, in answer to the Foreign Secretary, that they were intended for the Brazils. It was on that declaration that permission was given. The Emperor Don Pedro, it was said, was not desirous of being the Brutus of Portugal, and he was aware of the danger of committing the Brazils in the civil dissensions of her ancient European dominions. Don Pedro left the defence of the principles of liberty in Europe to the Members of the English Parliament. After the assurance to which he had alluded had been given—after the declaration thus made, the arms and ammunition were taken, not to the Brazils, but to Terceira, and deposited in the fort at Angra. The arms were sent previously to sending the troops, and would any man say that this did not make the expedition as completely a military expedition as ever left the shores of any country? The Marquis Palmella admitted that the arms had been sent to Angra, and he stated unequivocally that he was preparing a further supply if the quantity already sent should be insufficient for the troops. The troops were embarked on board eleven transports, and it was not possible for the Government of this country, knowing all the facts of the case, to shut its eyes to the real objects of the expedition. The question had been argued as if it were a strictly legal question, and Gentlemen seemed to suppose that they could settle a question of national policy by their law books. The opinions of jurists had been referred to, and the judgments of Lord Stowell had been cited with a triumphant but useless display of learning. Surely the hon. and learned Member who had referred to that noble Lord's opinion ought to have recollected that, in one of the very cases mentioned, that noble Lord had distinctly declared, that any persons who made use of a neutral country for the purpose of fitting out a warlike armament, to be directed against a country with which that neutral was at peace, were guilty of a breach of its neutrality. He would not, however, dwell longer on that point; he would rather take up the same ground as the hon. Baronet; he would leave the law of the case to the professional Gentlemen, and look at the question with a plain understanding. Would any person then say that it made any difference that this expedition was going to defend not attack a fortress? Was not defence the act of a belligerent as well as attack, and did not the neutral who assisted the defence as much commit a breach of neutrality as if he aided an attack? Suppose Gibraltar were invested, and two or three of our battalions, in order to assist their brethren, should repair to a neutral state, and say to its Government, "we are veterans, we are the subjects of one of the belligerents, we desire to assist the besieged, but in order to elude the other party, we have pulled off our red coats; we are therefore now peaceful citizens, private innocent persons; we go only as individuals, we shall find arms and ammunition there: do you only allow us to indulge the *amor patriæ* which we feel; allow us to refresh and recruit ourselves here, and then to proceed from your territory into the fortress of our own sovereign." That might be a very good *ruse*; but if such practices were to be the doctrines and principles of states, he did not see how they could preserve amicable relations with each other, or how any one of them could long remain neutral in any quarrel between two other states. Suppose the case reversed, and that Don Miguel were substituted for Donna Maria; that he had assembled troops at Plymouth, and had proceeded to attack some part of the Queen's dominions, and suppose that Ministers had stood up to defend the conduct of the Government in allowing him to collect a force at Plymouth, would not such a paltry distinction as that urged to justify the sailing of this expedition be scouted with indignant derision by every patriotic Member who should hear it employed to justify the Government for not interfering with the expedition of Don Miguel. It was not necessary, he believed, further to discuss the question, whether the expedition were or not a breach of our neutrality, and conceiving that it was, the next question which required to be settled was, whether or not we were justified, after that expedition had left our ports, in preventing it from reaching the place of its destination. On that point, he thought, a complete answer to the statement of his right hon. friend who opened the debate, had been given by his right hon. friend who sat near him. The Portuguese refugees and their leaders had throughout been guilty of the grossest deception towards the British Government. It had been such as justly to subject them to the treatment they had received. They had made representations that were untrue—they had entered into engagements which they had not kept; and in short, they had attempted to practise a fraud on the Government of the country where they had received the rites of hospitality. On their heads, therefore, and not on the head of any one of his Majesty's Ministers, ought the consequences of these transactions to be visited. Were the Government of this country to allow itself to be deceived in the way these refugees had deceived it, the ports of England would be selected by all the discontented people of Europe to fit out and prepare expeditions against their governments; or even expeditions to plunder and devastate other countries. It might be true, that we had no right to punish the Portuguese for their fraud, but we had a right to prevent them profiting by their fraud, particularly when doing that might have involved us in a contest with another power on account of the breach of our neutrality committed by these people. In a speech made by the brother of his right hon. friend, on the

Foreign Enlistment Bill, that Gentleman quoted the following passage from Vattel, which he presumed was correctly quoted: "Neutrals shall not suffer themselves or their possessions to be made instrumental in doing injury to other nations. There is no law of nature or of nations—no obligations of justice—which condemn us to be the dupes of those who would lead us into such wrong." That was the doctrine he would apply to the present case—we were not to be made the dupes of these people, to commit wrong against another power. But the consequences, he believed, of such proceedings, did we permit them, would be fatal to ourselves. If we supported, or allowed fraud, we should have no remedy but to submit to it when our own rights were in question. If we allowed one hostile expedition to be prepared within our territory, ten years would not elapse, to use the remarkable words of Mr. Canning, in the debate on the Alien Bill, "before this country will be made the workshop of intrigue, and the arsenal of every malcontent faction in Europe. Placed, as this country is, on the confines of the old world and the new, possessing such facilities in her manufactures, and in her natural advantages, and, above all, in her free institutions, for the purposes of hostility—it becomes her, to watch with the narrowest scrutiny that the facilities she affords are not abused to her own injury." Was it possible, when such was the language of Mr. Canning, that he should now be invoked as an authority for the opinions of those who supported the present Motion. He remembered that when he was sitting by the side of Mr. Canning, as his colleague in office, that it was stated by that right hon. Gentleman, shortly before the Alien Act was brought forward, and when Ministers were considering of the propriety of abandoning it altogether, that information had been obtained, and he knew it to be correct, that the Spanish constitutionalists—the martyrs to liberty, as the hon. Baronet called them—had resolved to foment internal disorders in the dominions of Spain. Mr. Canning stated in the House, that he did not allow a day to elapse, after learning this fact, without notifying to the persons carrying on these intrigues, that "the Government would not allow them to desecrate the asylum they had chosen for their protection," and at the same time, he gave information to the governor of the Spanish province threatened by these machinations of what was going on. Mr. Canning said, that it was ridiculous to suppose that if we authorized such a line of conduct, we should not have to pay the penalties of hostility. For the interest and peace of this country—not less than for the interest and peace of other countries, he enforced on all those who resided here the strictest neutrality. "God knew," he said, "when we should see the end of the prevailing agitation—when the struggle of opinions would terminate; and no man could wish for it more than he did; but he claimed these bills in order that we might not be fooled, gulled, bullied, cheated, or deceived into hostilities, into which we never intended to enter." It could not be supposed, it would be indeed deceiving ourselves to suppose, that the champions of freedom, and the friends of unquietness would not make use of our ports and our means; we had parted with the Alien Bill, we could not prevent foreigners having access to our shores—we had no longer a means of sending them summarily out of the country, and could it be believed then that there was a law of nations so absurd as to interdict us from using our own discretion whether hostilities, in which we had no interest, should or should not be carried on from our ports. For fifteen years we had been at peace—for fifteen years not an armament had left our shores, and if, during that period, the tranquillity of our ports and arsenals had not been disturbed by the necessity of supporting any British interest, or resenting any insult offered to the British dominions; it was too much that Portuguese refugees, who had been received here with hospitality and kindness, were to endanger our repose and the repose of all Europe, it was too much to suppose that England was to suffer herself to be made the starting post of their animosities, and that, herself seeking and desiring peace, she was to be launched into hostilities by those who had sought refuge on her shores. As long as England remained at peace, she might be an asylum to the unfortunate, a refuge to the distressed, and a retreat to those who were weary and heavily laden, where they might lay down their burthen and be at rest. But to maintain our independence, to preserve the power of being this place of refuge, it was necessary, to use the words of Mr. Canning, that "we should not be fooled, gulled, bullied, cheated, or deceived into hostilities;" and in order to prevent such a result, he hoped the House would join with him in rejecting the Resolutions which had been proposed, and which were neither more nor less than a severe censure on the conduct of those who had prevented England from being cheated into hostilities.

Mr. *Stanley* begged, though it was late, and the House was impatient, to be allowed to make a few remarks on the discrepancies in the speeches of those who opposed the Motion, some contending that there had been no breach of neutrality, while others avowed that there had been such a breach, which they justified; and others again, which was to him most marvellous, asserted that the breach had been committed in favour of the Portuguese. On a former occasion, the Government regretted that it could not submit to the House all the information respecting the state of our relations with Portugal; and if, by withholding the papers relating to the present subject, it could have silenced the voice of indignation, which was everywhere ready to break forth against Britain for its conduct in this transaction, he should have applauded the Government for having done so—but the papers were all before the House, and unfortunately they were as plain and as conclusive—if not as satisfactory as could be desired. He would endeavour to guide himself by these documents in the few brief remarks he meant to offer to the House. The right hon. Gentleman had taken credit to himself and the Government, for not having left the Portuguese refugees altogether at the mercy of Spain; but he could not have done that without exciting indignation from one end of the country to the other, which would have taught him, however high the station of Ministers, that they were responsible to public opinion—and to that they must bend. They dared not close England, the asylum of persecuted freemen, against those who, on account of political misfortunes, came here for refuge. The Under Secretary for the Colonies had referred to a communication from the Marquis Barbacena, to shew that the Portuguese went to the island of Terceira as a military body. He might have read the next passage in that communication, to prove that they would probably put an end to the dissensions of which the Ministers complained, and restore tranquillity to the island. The Marquis Barbacena, in requesting the interposition of our Government, says, "The secretary to the government of the islands of the Azores has just arrived in London, authorised to demand, with the greatest urgency, the immediate despatch of a part of the faithful Portuguese troops which are now in England; and whose presence in the above-mentioned islands would ensure their defence as well as their tranquillity, under the government of the legitimate sovereign, against the attack with which they are menaced by the illegitimate government established in Portugal." That was a passage which the hon. Gentleman omitted to notice though it shewed that if there were those dissensions at Terceira which the hon. Gentleman and his colleagues were so desirous to suppress, the best means of accomplishing it would be, to allow the Portuguese to repair thither. The great and important point, however, of the whole defence of the right hon. Secretary was the assertion, that the manner in which the refugees left this country was a breach of our neutrality. In his opinion they sailed from hence in conformity to the law of nations, and what was of more consequence in the eyes of some—in strict conformity to the law of the Duke of Wellington. In his correspondence, that nobleman said, not very courteously, "if the Portuguese desire to make war in the Azores, instead of doing so in Portugal, of which they have the choice, let them go as individuals if they please." They did go as individuals, and at successive intervals. The right hon. Gentleman, however, maintained that they did not go as individuals—but as troops; and he treated with great contempt the quibble, as he seemed to regard it, about the arms; but notwithstanding his contempt, there was a broad distinction between men going with arms in their hands, and going to a place where they would find them. It was at least clear, if these arms had been sent to Terceira five months before the men went thither—that they did not go to make an hostile attack. They could only enter the island as friends, and in peace, and to compare such a body of men to a force setting out for the purpose of attack or invasion was absurd. Admitting the statements of the right hon. Gentleman to the fullest extent, it was, nevertheless, very hard upon these Portuguese that they should suffer for the sins of Count Itabayana. The Marquis Palmella and his friends were not very civilly taunted by our Ministers, because they were disowned by that minister; but when he pursued a course of conduct favourable to their interests, that was made a ground of accusation against them. The right hon. Gentleman had asked, with an air of triumph, "what would have been the outcry, had the case been reversed;" but he had put a circumstance in his supposition, which did not exist in the real case. He had supposed Don Miguel arming troops here, and sending out an expedition against Donna Maria; but Donna Maria armed no troops here, and sent out no expedition against Don Miguel. The Portuguese refugees went unarmed to a place in possession of their own sovereign; and if the right hon. Gentleman had wished to state the analogy fairly, he would have asked, "what an outcry would be made if we were to suffer the subjects of Don Miguel to repair from Falmouth to Lisbon?" But that actually occurred every day, and there was no outcry at all. There was a much closer analogy between the daily passage of persons from Falmouth to Lisbon by the packets, and the Portuguese going to Terceira, than between this latter and the supposititious attack of the right hon. Gentleman. In turn, he would ask, what would be the clamour, and the outcry, should the right hon. Gentleman and his colleagues stop the willing subjects of Don Miguel on their way to Lisbon? But it was said, that Terceira was in a state of civil war; he would not deny that there had been contests there, but so there had been in Portugal, and there were none at Terceira on the 12th of December, when the orders were issued for stopping the Portuguese refugees. Supposing, however, all the allegations of the right hon. Secretary to be true—supposing that the Portuguese had recourse to fraud, the general weapon of oppressed weakness—did that give us the right to stop their ships, and fire into them—not upon the high seas, which it is admitted are not under our dominion, but in the ports and waters of an independent sovereign—the very sovereign of the people whom we so treated? The right hon. Gentleman who appealed to the common sense of the House had the candour to admit that no precedents could be found to justify this conduct, because an exactly similar case had never before arisen. When the right hon. Gentleman made that appeal, it would have become him not to have shocked the tribunal to which he appealed, by so monstrous a conclusion as that we were justified,—even admitting the alleged frauds of the parties—in pursuing and arresting them within the jurisdiction of their own sovereign—violating the territory of another power; and not merely risking, but actually causing the loss of life. The right hon. Gentleman concluded his ingenious speech by asking what would be the consequences to the world, if we had acted in a different manner? "In ten years, he said, (quoting the language of Mr. Canning), this country would become the workshop of intrigue, and the arsenal of every malcontent faction in Europe." That was obviously the imagination—and the imagination only of the right hon. Gentleman. Let the House look at what had actually been the result of the conduct of the government. Great Britain had exhibited, under the repeated insults of Don Miguel, a patience, which had made her the bye word of nations. Had we gained his friendship by our mean forbearance? No. He treated us only as his dupes; though perhaps it was as honourable to be the dupe as the friend of such a prince. We had gained nothing but the odium of having the name of England connected throughout Europe with that of Don Miguel. We had been a friend to him, and "as a friend should bear a friend's infirmities," so we had borne those of Don Miguel,—"even when that rash humour which his mother gave him made him forgetful,"—even though it had made him forgetful of sex—of blood of kindred—of plighted faith—of oaths pledged in the hands of two mighty sovereigns—of solemn promises to support that cause for which the Portuguese, the allies of Britain, were driven into foreign lands; forgetful too that hereafter, if not here,—but even here, it might be hoped, for the benefit of Europe,—forgetful that vengeance was sure to follow perjury, and wait on blood-stained usurpation. And what had we gained by this? The Portuguese had reached Terceira; though this was made a reproach to other governments, which were not guided by the same principles as our Government. The noble Duke at the head of the Government could not imagine, great as was his power in this country, that his missives would be obeyed in the Tuilleries, or at the Hague, as implicitly as at Whitehall or in Downing-street. He might be assured that his *ipse dixit* would never be adopted as the international law of Europe. But though

France, or the Netherlands, had acted differently from England towards Portugal, were either of those powers less respected by the usurpers? Were our merchants favoured? was our flag honoured? were our countrymen secure in their persons and property under the sway of Don Miguel? No rumours of that kind were in circulation, but others were, of a totally opposite character, and he wished he could believe that they were false and calumnious, and that our merchants were neither plundered nor imprisoned by the usurper. It might happen that ere long the island of Terceira might be merged in the empire of Don Miguel, and he might become *de facto* what *de jure* he never could, the sovereign of the whole Portuguese dominions: but should we be so disgraced as to be under the necessity of recognising him as the monarch of Portugal, let it never be forgotten by us—it never would be forgotten by the rest of Europe—that he had mounted the throne of Portugal by English assistance—a throne stained with the blood of his countrymen, who were lured to destruction by the vain hope of finding sympathy and assistance from Britain, and were finally deserted and betrayed, under the specious pretext of preserving British neutrality.

Mr. *Huskisson* said, that he was principally induced to trouble the House by what fell from his right hon. friend, the Secretary for the Home-Department, in reference to his late right hon. friend, Mr. Canning. His right hon. friend had admitted, that in our conduct we had not followed the laws of nations; and, therefore, that conduct was only to be justified, if it were dictated by necessity, and he thought that his right hon. friend meant to settle the whole question, by shewing that the conduct of the Marquis Barbacena had made our proceeding against the refugees unavoidable. But what did the Marquis Barbacena call upon the government to do? To commit he would reply a breach of neutrality, and was that, he would ask, a justification for actually committing a breach of neutrality against the opposite party? He thought not; on the contrary, the condemnation pronounced by the Ministers, on the acts requested to be done, was a condemnation of the act performed. His right hon. friend said, that the parties had contrived to evade the municipal laws of this country, and violated its neutrality by proceeding to Terceira. But having evaded our laws, we had no right to punish them; we might have some authority over them as long as they were within our jurisdiction, but the complaint made against them proved that they had escaped beyond the limits which the laws of nations recognised as the limits of our power. His right hon. friend had referred to an opinion of Mr. Canning, delivered on the memorable debate on the Alien Bill, and it was principally to correct his right hon. friend's views on that point that he rose. He must remind his right hon. friend, therefore, that the object of that bill was, to give the government of this country a municipal power within its recognised limits, which the Government otherwise could not exercise. Mr. Canning did then allude to the machinations of individuals to disturb the peace of Spain; but to make that case strictly analogous to the present case, it must be shewn that the individuals of whom Mr. Canning complained, had evaded our laws; and that we had pursued and arrested them in a place not under our jurisdiction, and had punished them for the evasion. These circumstances, however, were wanting in the case alluded to by Mr. Canning, and he took care, by warning the parties concerned, to prevent a breach of neutrality; while the present Ministers permitted, according to their statements, a breach of our neutrality towards one party; and afterwards, to remedy that, they themselves committed a still more flagrant breach towards the other party. It being admitted, that the waters of Terceira were the dominions of an independent sovereign, it was necessary to shew that we were justified in violating his sovereignty, and committing an act of hostility within his territory. What was the justification of that? Why, nothing more than this—"If you do not" said his right hon. friend, "punish these infractions of your law, in ten years you will become the resort of all the machinators of Europe, and have reason to repent of your forbearance." The difference of opinion between himself and his right hon. friend was, that, in his opinion, we ought to prevent these infractions rigidly, to maintain our neutrality within our dominion, which would effectually guard against what his right hon. friend apprehended, while his right hon. friend consented to the breach being committed within our dominion, and only sent to punish those who had committed it, after they had gone from under our sway. It might be supposed, from his right hon. friend's remarks, that during the fifteen years we had been at peace, our neutrality had never before been violated. Had he forgotten, then, the repeated complaints made by Turkey, and had he forgotten that to those complaints we had constantly replied, "We will preserve our neutrality within our dominions,—but we will go no further." Turkey did not understand our explanation, and thought we might summarily dispose of Lord Cochrane, and those other subjects of his Majesty, who were assisting the Greeks. To its remonstrances Mr. Canning replied; and his right hon. friend, being then a colleague of Mr. Canning's—must be considered as a party to his opinions—"Arms may leave this country as matter of merchandise, and however strong the general inconvenience, the law cannot interfere to stop them. It is only when the elements of armaments are combined that they come within the purview of the law, and if that combination does not take place till they have left this country, we have no right to interfere with them," These were the words of Mr. Canning, who extended the doctrine to steam-vessels and yachts, that might afterwards be converted into vessels of war, and they appeared quite consistent with the acknowledged laws of nations. When his right hon. friend placed so much reliance on the authority of Mr. Canning, he could only account for his having overlooked this remarkable passage by his perceiving that it contained within it a complete contradiction of the doctrine laid down by his right hon. friend. His right hon. friend made it part of his case, that the elements of armament were not combined when the refugees left our shores for Terceira, and according to the opinion of Mr. Canning, therefore, the Government had no right to interfere with them. Up to the time when the Portuguese refugees were required to disperse, he considered that the conduct of this Government towards them had been correct. But it was laid down by all writers on the laws of nations, that if any state imposed conditions on foreigners, with regard to their residence within that state, with which they did not choose to comply, they should be at liberty to retire from it. We had a right undoubtedly to prescribe to the Portuguese the conditions on which they might remain here, but they had an equal right to withdraw if they did not like those conditions, and we were bound to allow them to go freely away. Perhaps it would have been a breach of neutrality had they gone away armed from the country, combining within themselves the means of making an hostile attack, but they had not even side-arms, and no means of defence, had they been assailed on the high seas. Being unprovided with arms, their departure was not a breach of our neutrality. His hon. friend, the Under Secretary of State, laid it down as a principle, that it made no difference whether these refugees intended to go peaceably to a part of their own country, or to make a hostile attack on some others; but this principle was much too broad for his right hon. friend to adopt. What, he would ask, would be the consequences of such a doctrine? All the Portuguese must be adherents either of Don Miguel or of Donna Maria, and this new doctrine of neutrality, prohibiting them from leaving this country, even unarmed, whether they were going to unite themselves to the sovereign *de facto* or the sovereign *de jure*, would prevent them getting home at all. Was it for evading such absurd laws as these that we were to enter into that career of policy which he had that night heard for the first time proclaimed with alarm? He would tell his right hon. friend, that if he acted on these doctrines, and pursued such policy, he would not keep for ten months, much less ten years, this country out of war. At the very moment he was speaking, arms and clothing were about to be sent out of this country to belligerents. Were they to be stopped, or were they to be followed and brought back? He believed the answer would be No: and if it were Yes, of what use, he would ask would be our skill in building ships, manufacturing arms, and preparing the instruments of war, if equally, to sell them to all belligerents were a breach of neutrality? Should France, in the prosecution of a war against Algiers, send here for transports, and rockets, and other species of assistance, he did not believe that the Government would feel itself under a necessity of detaining the vessels intended to carry out those supplies—though this we might do—much less which we might not do, would the Government think of sending a squadron to Algiers to prevent the junction of these vessels with the

French fleet. Such a doctrine, then, was so absurd, it involved a subversion of all national law so alarming, it would so certainly lead us into immediate hostilities, that he was astonished to hear it broached, and was quite sure that it never could be acted on, except under circumstances that made hostilities unavoidable, and acting on it necessary to self-preservation. He concurred with his right hon. friend, the Secretary to the Admiralty, in valuing little the gratitude of foreign states, particularly if, in using that expression, Don Miguel and King Ferdinand were present to his mind, together with that gratitude they had shewn for our exertions to restore one to his dominions, and bring the other from his tharldom at Vienna, to place him in an important station, which he might to this hour, have filled with distinction if he had not forfeited his honour; but he did not concur with him if, in using that expression, he meant the good opinion of the people of Europe. To that we could never be indifferent, and hitherto it had been our highest boast to have deserved it for our rigid adherence to the laws of nations, and our firm determination never to depart from them for any national convenience or occasional advantage. An adherence to that determination was one of the proudest distinctions of England—the source of much of her moral power, and the main principle of her high renown amongst the nations of the earth; and if we departed from that determination—if we ever acted upon the principle of interference beyond our own jurisdiction, now for the first time advocated, we should for ever forfeit that honourable and enviable fame, and become one of the most meddling, mischievous, and unjust people that ever appeared in the world. He was less anxious about obtaining a majority than that the Resolutions proposed by his right hon. friend should be placed on the Journals of the House, and after that were done, he should have no apprehensions that any proceeding, similar to that he now complained of, would ever again be adopted: he should have no more fear that the doctrine of a jurisdiction upon the high seas, and of interference within the territory of an independent nation, would ever again be revived, than he should be afraid that Parliament would again renew the declaration that still stood upon its Journals, a monument of legislative folly, that a one pound note and a shilling were equal to twenty-nine shillings.

Mr. *Charles Grant*, in reply, said, he had to thank his right hon. friend for vindicating his notions of neutrality, and relieving him from the charge of founding his Motion on the character of Don Miguel, though his right hon. friend had not done justice to his opinions in supposing that he favoured one side more than another. He was no advocate for such left-handed neutrality, and condemned the case under consideration because the deviation from neutrality towards the side which we might be supposed most especially to favour, was a violation of the general principle. His right hon. friend had described the argument, urged in behalf of the Portuguese, from the arms going in one vessel and the men in another, as sophistry, but his right hon. friend had forgotten that all the arms at Terceira were not carried in the Brazilian frigate—they were exported in merchant vessels, which made the sending the arms, and the sending of the men not necessarily parts of the same transaction. He did not agree, therefore, with his right hon. friend, that either separately was a breach of our neutrality, which we were bound to prevent, much less to punish after it had been accomplished in an unwarrantable manner. The right hon. the Secretary to the Admiralty seemed to think that it was enough to exonerate us from blame, that we warned the refugees of what we meant to do, as if a man could be exonerated from the guilt of a crime by giving notice that he meant to commit it. He observed that a case of this kind had lately actually occurred: a gentleman, who saw a man in his fields, gave him notice that if he intruded there again he would shoot him, and afterwards kept his word. According to the doctrine of his opponents, the gentleman was not to blame, but the man, who persisted, with obstinate imprudence, in coming to be shot; though he was afraid that the diplomatic argument would not avail the unfortunate gentleman before the tribunals of the country. Looking at the whole arguments of his opponents, he must say, that if he had wanted any more support than he had had the honour to receive; if he had sought any other arguments in favour of his propositions than had been stated by his friends, in order to carry conviction through the whole country, he should have found both support and arguments in the statement of his opponents. The right hon. Secretary admitted that there was no law to justify the proceedings, and that the rule on which the Government acted was created for the first time to meet this particular case. What then had become of the law of nations, the ancient glory of this country, and the foundation of her maritime rights? All were scattered to the winds, all the authorities we had so anxiously cherished were abrogated by this new rule; and it was now, for the first time, avowed by a Cabinet Minister in this country, because the Government could find no rule to justify its conduct, that what pleased a government became the law of nations. That might serve our purpose in this instance, but admitting the principle was to justify much of the maritime usurpation against which we had, within a few years, successfully contended, and was exposing our maritime rights to violation, whenever any power should feel inclined to contend against them. The name of Mr. Canning had been brought forward in defence of such conduct; but that great man, who had exalted the glory of England, did not imagine that our neutrality was to be maintained by laying down rules in defiance of every principle of the law of nations, nor that the reputation and honour of England were to be preserved by oppressing the weak and the unfortunate, because they happened to contend for that liberty which was dear to ourselves.

The House then divided, when there appeared—For the Motion 78; Against it 191: Majority 113.

List of the Minority.

Acland, Sir T.
Althorp, Lord
Baring, F.
Baring, B.
Blandford, Lord
Burdett, Sir F.
Bernal, R.
Bourne, right hon. S.
Buller, C.
Canning, S.
Cavendish, C.
Cavendish, W.
Clements, Lord
Cave, O.
Cradock, Colonel
Clive, E. B.
Crompton, J.
Calthorpe, F.
Calthorpe, A.
Dundas, J.
Davies, Colonel
Denison, E.
Easthope, J.
Ewart, W.
Fazakerley, J. N.
Foley, J. H.
Fyler, T.
Grant, R.
Grattan, H.
Graham, Sir J.
Guise, Sir Wm.
Gordon, R.
Heathcote, E.
Hobhouse, J. C.
Howick, Lord
Howard, H.
Huskisson, rt. hon. W.
Inglis, Sir R.
Knight, A.
Labouchere, H.
Lamb, G.
Lascelles, W.
Langston, G. H.
Lambert, J. S.
Macauley, T. B.
Marshall, W.
Marjoribanks, S.
Morpeth, Lord
Macdonald, Sir J.
Milton, Lord
Macintosh, rt. hn. Sir J.
Nugent, Lord
Ord, W.
O'Grady, F.
Price, Sir R.
Pryse, P.
Ponsonby, G.
Philips, G. R.
Pendarvis, E.
Phillimore, Dr.
Palmerston, Lord
Robinson, Sir George
Rice, S.
Rumbold, J. C.
Russell, Lord J.
Stanley, Lord
Stanley, E. G. S.
Sandon, Lord
Smith, V.
Strutt, Colonel
Tennyson, C.
Thompson, B.
Webb, Mr.
Wilbraham, G.
Warrender, Sir G.
Wall, B.
Wynne, Sir W. W.
Wynn, C.
Warburton, H.
Wood, C.

TELLERS.

Grant, right hon. C.
Phillimore, Dr.

PAIRED OFF

Carter, B.
Colborne, R.
Davenport, E.
Ellis, A.
Fortescue, Hon. G.
Newport, Sir J.
O'Connell, D.
Philips, Sir George
Slaney, R. A.

HOUSE OF LORDS.

Thursday, April 29.

MINUTES.] Petitions presented. By Lord de DUNSTANVILLE, from the Merchant Seamen at Falmouth, against a Deduction from their Pay for the Support of Greenwich Hospital. By Lord NAPIER, from Dumfries, for throwing open the Trade to India. By the ARCHBISHOP of YORK, from the Protestant Dissenters at Pontefract, for the Abolition of Slavery. By the Earl of DARNLEY, from Chatham and Gillingham, praying for the extension of Poor-laws to Ireland.

Accounts presented. The rate and amount of Duty paid on Flour and Meal entered for Home-consumption between July 5, 1828, and January 5, 1830:—The Duties paid during the last Ten Years on China-ware, Earthen-ware, Cotton, Glass, Iron, Lead, Gloves, and various other Foreign Manufactures.

STATE OF THE COUNTRY.] Earl *Grey* said, he had a Petition to offer, which purported to have emanated from a Meeting of the County of Northumberland, and to be signed by the High Sheriff. He believed, however, that in point of form it could be only received as the petition of the individual subscriber, the House not sanctioning, in a legal sense, that the act of the High Sheriff was, in this respect, necessarily that of the county at large. It was right he should state that this petition was, as he had understood, adopted unanimously by the meeting; but it had been left at his house, where he found it upon his arrival in town, unaccompanied by any other communication or instruction than that which the petition itself conveyed. He knew it to be a fact, however, that there had been a county meeting in Northumberland; he knew it to be a fact that the High Sheriff was requested to transmit such a petition, and also that it was to have been sent to himself: he therefore could have no doubt in tendering this petition to the House as a genuine document, although he had received no communication on the subject of it. The petitioners begged leave to state the great distress of the Shipping-interest, and that notwithstanding the privations which they endured, at no former period were the people more peaceable and obedient to the laws. They stated several causes, or combinations of causes, to which they ascribed the prevailing distress. Whatever those causes really were, one thing appeared clear,—that the people were evidently unable to bear the pressure of taxation which now weighed upon them. They referred to promises contained in the King's Speech at the opening of the Session of Parliament, and expressed their confident reliance upon the wisdom of their Lordships to provide a remedy for their grievances. They likewise prayed the House to revise the different measures which had been adopted since the year 1819, relative to the currency, and they recommended, in the strongest terms, economy in the administration of the national affairs. Having discharged his duty in presenting this petition, and in thus stating its prayer, he did not know that it was incumbent upon him to say any thing more, except that, from his local knowledge of the county of Northumberland, he could say, that the distress there was very great, though perhaps not so great as it was at that moment in other parts of the kingdom. He ought to state his belief, that a degree of distress so heavy and great must proceed from some general and pervading cause: he had at the same time no hesitation in saying, that he did not go the length of the petitioners, in wishing to see a revision of all the prominent measures which had passed since 1819. They did not state in what particular way they wished this to be done, and in the absence of any instructions he could not explain precisely what were their views. Whether the cause of this distress were capable of any remedy, and whether that remedy ought to be a revision of the currency, he was not prepared to say; but at the same time he had no doubt that the change made in the currency in 1819, or rather the difficulties which were found to have arisen out of it, did, in point of fact, press hard upon all the manufacturing, commercial, and agricultural classes; for they had to contend with the immense burthen of an enormous debt, in great part contracted in a depreciated currency, while the interest of it now was made payable in a greatly improved medium of value. When he adverted to these transactions, he did not mean to exempt himself from blame, as he was in Parliament at the time when these measures were enacted. His present opinion certainly was, that the Act of 1819 was passed without a sufficient foresight of the consequences which must accrue from it; and nobody had anticipated the extent to which they had occurred. Whether the mischief was capable of any remedy now, he knew not; nor would he be the person who would suggest even, much less propose, any measure which would incur the suspicion of an intention to impair that faith on which the public credit was founded. In turning his mind to this subject, he had considerable doubts whether they could (as some persons wished) revise the Act of 1819, in the hope of re-establishing the previous state of things; but still he thought that another branch of the subject might be so modified as to mete out immense relief to the general distress which so unhappily prevailed,—for instance, an admission of the circulation of small notes, with a proper and well-arranged system of security, and a guard against the acknowledged abuses which took place in 1825. At present, in looking at the bank-note system of the kingdom, it was impossible to avoid being struck with the anomaly, that while small bank notes were in full circulation in Ireland and Scotland, they were interdicted in England; it did appear to him a still further anomaly, that in his own county the Scottish small notes should be in circulation for twenty miles within the borders of Northumberland. The fact was, that it was there the people in the neighbouring part of Scotland came to buy their coals and corn, and the purchaser could of course only give in exchange the circulating medium which he had at his command, and the people took it rather than lose their coal and corn market. This was done, he had reason to believe, with the connivance of Government, and in open defiance of the penalties of the law, which were in themselves somewhat singular also, for the penalty was to fall not upon the receiver, but on the payer. The people of the county afterwards sent the notes for payment to places provided by the banks of Scotland for the exchange of their notes. The removal he thought, then, of the restriction upon the circulation of small notes in England, under proper safeguards, would afford extensive relief to those who were now suffering so severely throughout the country. He knew no way of proceeding better calculated to do present good, and avoid, as he had before said, even the suspicion of trenching upon the national faith, which never could be thought of except under the pressure of an uncontrollable and irresistible necessity which left no choice of any other alternative. He would not trouble their Lordships with any further observations in bringing up this petition.

Laid on the Table.

DUTY ON CORN SPIRITS.] The Earl of *Malmesbury* rose, to present a Petition from a most respectable body of individuals connected with the trade of the country,—he meant the Distillers of the United Kingdom,—to which he entreated, generally, the attention of the House, but more particularly that of the noble Viscount opposite (Lord Goderich), who had been Chancellor of the Exchequer in the year 1825. These petitioners would not have trespassed upon the Legislature were it not for the late circumstance which had come to their knowledge, that it was intended to abrogate a solemn agreement which had been made with them, and to levy an additional duty of 1*s.* per gallon upon the Spirits they manufactured, without imposing an equal tax upon Rum. The noble Lord then read the following petition:—They state, "That when the respective Duties of 7*s.* per gallon on Corn Spirits, and 8*s.* 6*d.* per gallon on Rum, were imposed, the difference of 1*s.* 6*d.* per gallon was, after the most mature considerations on the part of Government, considered as a necessary protection to the manufacture of Corn Spirits in England. That Rum and Corn Spirits being distilled from different materials, are not alike applicable to every purpose. Rum may easily be converted into Gin (an article, in the manufacture of which almost all the Corn Spirits made for consumption in England are used); but Corn Spirits can by no process yet discovered be converted into Rum, consequently it is the preferable Spirit of the two, and it may be produced by the Colonies in any quantity. That Rum not only enjoys the free scope of the home-market, and with the difference of the duty above-mentioned is permitted to be rectified and compounded, but has the exclusive supply of the Army and Navy services requiring 400,000 gallons annually. That Rum, as imported from the Colonies, is already prepared for consumption, and requires no further process; whereas Corn Spirits, after the payment of 7*s.* per gallon, is unsaleable in England unless it be at a considerable expense rectified and compounded. That in the enjoyment of these advantages, and since the duty has been reduced to 8*s.* 6*d.* per gallon, on the average of the last four years the consumption of Rum has increased about fifty per cent. They further submit to your Lordships that the Corn Spirits pay the duty upon the Malt used in their manufacture, and that they are sometimes made from Malt alone; this duty the distiller has to pay in addition to the Spirit duty of 7*s.* per gallon. That as long as a protecting duty is imposed on Corn for securing the interest of the landholder, the Corn distillery pays nearly double the price at which, without the payment of any duty, he could import his Corn from the Continent. That this duty at present amounts to nearly 1*s.* per gallon on the cost of his Spirits. That the Corn distiller suffers great disadvantages from the Legislative restraints imposed on his process of manufacture; for securing the Revenue he is subjected to a mode of work accompanied by restrictions unknown in the West Indies, and which to him are daily and constantly the source of much injury, vexation, and expense. That in order to comply with these restrictions, and in consequence of the new and important changes made in the Distillery laws of 1825, the distillers, in altering and remodelling their premises, have been compelled, without any corresponding advantage to themselves, to expend more than half a million; to uphold which their annual charge for waste and capital, and wear and tear have been greatly augmented and which, if the trade were to be overthrown, would prove nearly a total loss. They state that this alone, which cannot be met by any corresponding disadvantage on the part of the Colonies would entitle them to the protection of your Lordships. That by the trade of the Corn distillers alone the consumption of Corn in the United Kingdom has arrived at 1,400,000 quarters annually, thereby affording a ready and sure market for all descriptions of inferior or damaged Grain which is unfit for malting. During the present season Barley of this description, to the extent of many hundred thousand quarters, has found a vent through this channel, which, under other circumstances, must have been left useless in the hands of the grower, the quantity of damaged Barley this year being more than could have been consumed through the usual channels in which such a description of Corn is sold. They therefore urge if the proposed increase of 1*s.* per gallon on Corn Spirits should be made without a corresponding increase on Rum, the consumption of Corn Spirits in England will be completely superseded by the introduction of Rum." His Lordship then proceeded to say, that in the year 1825 the noble Lord opposite, after taking considerable pains to obtain an accurate knowledge of every fact connected with the manufacture of Rum and Corn Spirits, had adopted what he believed was an equitable principle of dealing with each commodity. The noble Viscount reduced all the old duties, and settled the sum of 1*s.* 6*d.* per gallon as the proportion of preference which Corn Spirits ought to have over Rum in the payment of duty. Now the first question to be asked was, whether any thing had since occurred to take away two-thirds of the allowance which had been deliberately, and, he repeated, after the most just and mature consideration, allowed to British Corn Spirits. The petitioners, after enumerating the advantages which Rum had, from the manner in which it could be compounded and rectified, and from its general use in the navy, stated with truth that Rum was imported already in a perfect state, and prepared for prompt use, while British Spirits must be rectified and compounded before their use. This they estimated as equal to a tax upon them of 6*d.*—some say 10*d.*—a gallon; but, at all events, 8*d.* was a fair medium. They were likewise subject,—and this to him appeared a most important ingredient in the consideration of their case—to the operation of the Corn-laws. The distillers could not buy foreign corn without paying the high duties which were imposed upon the article for the protection of home agriculture; this, at least, affected them to the amount of 1*s.* a gallon, making 1*s.* 8*d.* in these two branches alone. The English distiller was likewise obliged to use in his manufacture a considerable quantity of malt on which he had to pay duty; while in Scotland a malt drawback was allowed. 9,000,000 of gallons, or something more, was the quantity of Spirits distilled in Scotland, a portion of which (for it could not all be consumed there) must find its way into England. Reverting to the arrangement of 1825, it was important to consider that upon the faith of its permanency the distillers had expended above 250,000*l.* upon alterations which were imposed upon them by the arrangements then made. Some idea might be formed of the degree to which they were exposed to restrictions from this simple fact,—that the Acts of 1825 was accompanied with sixty-two folio pages of regulations, exposing the distiller at every step to the risk of heavy penalties, from which no man's memory or care could enable him constantly to protect himself; and from all these the manufacturer of Rum was free. The respectable individuals who had petitioned would be most willing to compound for a payment of 6*d.* a gallon to get rid of these irritating and dangerous, as well as unnecessary restrictions. The items he had alluded to made the advantages in favour of the manufacturer of Rum equal to 2*s.* 2*d.*, but to be quite within the mark he would say 2*s.* After glancing at these details, he would beg leave to impress upon their Lordships his own general view of the subject. The distillers were of great importance to the British agriculturist, inasmuch as they were consumers of Corn, to an extent of 1,400,000 quarters, and this, too, of a quality for which no other market presented itself, and not adapted for any other use. There had been, not long since, two bad seasons, and the agriculturist derived great advantage from the sale of that kind of corn to the distiller which would have been otherwise useless; and more especially as they were shut out from the purchase of the article of foreign growth. He felt much for the distress of the West-India interest, and would do all in his power to alleviate it; but if that interest turned round, and said they had no protection like the Corn-laws, he should be compelled to reply, that these colonial interests were not without restrictions upon rivals in trade; they had restrictions for their coffee, and against the East Indian sugars. If he were in the confidence of the West-Indian interests, he should not be disposed to recommend them to take the additional duty upon Corn Spirits as a boon for their relief: it would be found in practice quite inadequate, and when in a year or two they next appealed to the Treasury for some more solid protection, they would be told they had received it already; and would be referred to the present intended measure. Instead, then, of having relief doled out to them in this inadequate way, he would recommend them to call for the more substantial assistance of some advantages for their sugars, by means of which they would get them cheaper into the market. The price of the article was 23*s.* per cwt., the duty was 27*s.*, and not an *ad valorem* one, but the same on every description of sugars, high and low; and as tea was now a necessary of life used by the poor, while its flavour required sugar, the cheapness of the latter would greatly increase the consumption, and be received as a great boon by these classes of society, who had, he regretted to say, little to spare. Then, again, see the effect of tampering with Spirits instead of sugar; smuggling would probably be revived by the increase of 14 per cent on the article; it might just amount to a sum sufficient to turn the scale for the smuggler. He (Lord Malmesbury) lived in a part of the country once much troubled in this way, but now happily improved by the establishment of the Preventive Service. If, however, now 50*l.* or 60*l.* could be made upon the smuggling of 1,000 gallons of Spirits, the illegal trade would revive, and bring back with it all its dreadful demoralizing attendants which were formerly so revolting. He ought to say, that the distillers would not object to the additional duty, provided it were equally laid upon Rum: he, for his own part, wished the duty was levied on both, for then there would be a chance of diminishing the consumption of ardent Spirits, which was, he knew, a great evil to the community. At all events, he trusted that a change so important to the petitioners, and involving consequences so serious to agriculture, would not be imposed without a previous investigation into the whole circumstances of the case.

Lord *Goderich* said, that he was ready to give every information in his power, not only to the petitioners, who were most interested, but with reference to the general principles of policy which were involved in the topics which had been touched upon. In order to explain the principle upon which he had, while in office, acted, when he proposed the alteration of the law respecting these duties, he would state, that in the origin it became necessary to endeavour to take some very decided step to put an end to illicit distillation in Ireland and Scotland, the mischievous consequences of which could only be adequately known to persons residing in the neighbourhood, and to others whose attention was especially called to such occurrences. In Ireland, at the time, it produced something like a civil war between the King's troops and the people, in consequence of the attempts to detect and seize those who were engaged in the illicit trade. In the hope of mitigating that state of things, the duties had been changed twenty times, and the most severe, oppressive, and unconstitutional laws were enacted to abate the evil. All these proved unsuccessful, and the only policy which remained to be tried was that of a great reduction of duty to an amount, that, by withdrawing the obvious motive of the smuggler, would put an end to his traffic, and the train of misery which it upheld. The duty on Corn Spirits was, at the time, he believed, 5*s.* or 6*s.* a gallon; in 1823 it was reduced to 2*s.* 10*d.* This reduction had its inevitable result of putting an end to the practice of smuggling. But it was then equally clear that a reduction of the duties on British Spirits became necessary, or there would infallibly arise a smuggling of Spirits from Ireland and Scotland, where the duties had been lowered, into England, where they remained at the same rate. The great difficulty was, to ascertain upon what principle the great reduction of duties should be governed. The subject was surrounded with intricacy, and beset with conflicting difficulties; in the two countries there were not only different duties, but a totally different system of managing them. Irish or Scotch Spirits were totally prohibited in the British market; they could not be drunk without an utter violation of the law, the consequence of which was, that when the subject underwent consideration as a whole, it became absolutely necessary to alter the whole frame of the English distillery laws. In the year 1824, the West-India interests were represented, and he believed truly, to be labouring under great difficulties; one great cause was stated to be the inadequately remunerating market they had for Rum, and it was represented that if they could obtain access to the English market, they might then, with the sale of their Rum, make up for the undoubted loss they sustained upon their sugars. The duty on Rum was then 1*s.* 8*d.* or 2*s.* more than the nominal duty on British Spirits. In 1824, he had, while a Member of the other House of Parliament, proposed an alteration of the scale of these Spirit duties. He proceeded then on the principle that the subjects of his Majesty's Colonies were entitled to the same considerate protection as those at home; but it was not till the year 1825 that he was enabled to consolidate the system now sought to be altered; and he thought he had done so upon fair and equitable principles. Two rates of duties were proposed to his consideration, one of 2*s.* by the English distillers, and one of 1*s.* by the West-India interest, who said it was all they could well bear. Under those circumstances he conceived he adopted a fair rate when he fixed on 1*s.* 6*d.*, which was what he might call a split between them. This reduction, as he need not inform their Lordships, was not well received by some parties, who supposed—as he thought at the time, and still thought—quite erroneously, that their interests would be affected by it. It was said that the Revenue, for example, would be injured. Now he at the time expressed his opinion, that the increase of consumption consequent upon a reduced duty would prevent the Revenue suffering to the extent contemplated by some noble Lords in that House, and by other high authorities elsewhere, and he found that he was more than borne out in the sequel. The falling-off in the Revenue, consequent upon the reduction of duty, had been estimated at 600,000*l.*, but he contended that the increased consumption would prevent its being more than half that; and what was the result? Why, more favourable than even he, whose sanguine views had been animadverted upon, had ventured to predict. The falling-off of the Revenue was not, in 1828, more than 200,000*l.*, and last year it was still less, so that no censure, in fairness, could be attributed to his arrangement, so far at least as loss to the Revenue was concerned. No doubt he stated at the time, that if it appeared that the rate which he had fixed upon was objectionable, and that circumstances recommended its being changed, he would not oppose a change, but it was not shown to be objectionable, and therefore he contended there was no ground for departing from his arrangement. Then, with respect to what had fallen from his noble friend respecting a different rate of duty in England and the sister countries, he agreed that too great a difference would only act as a stimulus to the ingenuity of smugglers—a stimulus which, by the way, was by no means necessary, as he might easily convince their Lordships, were he to state to them the sometimes ludicrous stratagems by which those gentlemen endeavoured to elude the law. But though a difference of duty operated thus in encouraging smuggling, he could not readily believe that an increased duty of 6*d.* on Spirits in Scotland and Ireland would have that effect. He could not, however, speak positively on this point, for want of sufficient data; but it was his opinion, and almost his conviction. If the arrangement against which his noble friend's petition and his accompanying remarks were directed, was intended as a benefit to the West-India interest, he must say, that he could not anticipate much benefit to that body from it, at the same time that he could not admit, with his noble friend, that it would be of no advantage at all to the dealers in Rum. He conceived that a certain quantity of British Spirits would be displaced by the increased consumption of Rum that would be occasioned by the intended change in the rate of duty, and by the amount of that increase would the West-India interest be benefitted. While he stated this, he begged leave to say, however, that he agreed with his noble friend, that a far greater benefit would arise, both to the West-India interest and to the public, from a change in the duty on another staple production of the West Indies—Sugar. His noble friend, when arguing against the reduction of the duty on Rum, assumed it too readily that the difference would go into the West-India proprietors' pocket. This could not be the case: if it were so, he need not say that the public would be no gainers by the change; and the West-India body would have neither more nor less than a bonus or bounty on their commodities. The fact, however, was, that so far as the consumption of Rum would be increased, would that interest be benefitted, and no further. A great benefit, however, would arise from a reduction—a considerable reduction—of the duty on Sugar, and from equalizing the duties on that from the East as well as from our West India Colonies. By such an arrangement, both interests would be benefitted, the revenue not injured, and the public would be considerable gainers.

The Earl of *Malmesbury* had no objection to conferring a benefit on the West-India interest, if a fair case were made out to warrant it; but he must protest against it being made in the way of a bonus to that interest at the expense of others. Let any measure of relief to the West-India Body be brought forward in a direct manner, and not as in the present indirect way, and he should give it his best consideration. He thought, however, that that body had no great reason to complain, so far as the consumption of Rum was concerned; for he found that that consumption had increased 55-per-cent since 1825.

Petition laid on the Table.

East-Retford Disfranchisement Bill.] On the Motion of the Marquis of Salisbury, the examination of witnesses on this Bill was resumed.

[George Paltryman deposed, that forty guineas was the regular price of two votes at the elections of East Retford.

Thomas Appleby gave testimony to a similar effect. In the year 1812, he received ten guineas for his vote; in 1818, two packets were transmitted to him, containing twenty guineas each, and subsequent to the election of 1820, two packets, with similar contents were left at his house, as he understood, in consideration of his vote.

Samuel Buckstone stated, that he was promised ten guineas in 1812, on condition that he would vote for Mr. Osbaldeston. At two several times he received twenty guineas for his vote upon subsequent occasions.]

In reference to some questions which were put by Lord Durham to the last witness,

Lord *Ellenborough* observed, that it was contrary to the usage of the House for any noble Lord to interrogate a witness while sitting. He thought that a deviation from the customary practice induced a conversational tone and manner which tended to render an examination so conducted inaudible in a remote part of the House.

Lord *Durham* stated, in reply, that he believed it was competent for him to cross-examine a witness in whatever posture he pleased. If not, he was willing to acquiesce in the custom of the House; but with respect to "tone and manner," the noble Lord who corrected him was certainly the last person whom he should be disposed to set up as a pattern for imitation.

The *Lord Chancellor* decided, that it was not irregular to put incidental questions, while sitting, although, in a formal examination, it was usual for noble Lords to stand.

[William Hodson, the next witness, gave evidence to a similar effect, stating, that he had received forty guineas at each of the elections in 1818 and 1820.]

Further consideration of the question postponed till to-morrow.

HOUSE OF COMMONS,

Thursday, April 29.

Minutes.] Returns presented. Papers relating to the Grand Canal, Ireland:—The Persons employed under the Commissioners of Public Records, and the Expenditure:—The number of Distributors of Stamps, and the Poundage allowed to each in the United Kingdom, with the Per centage at which Money is remitted from Scotland:—The number of Vessels belonging to the British Empire, exclusive of the Colonies; and the number of Steam-boats:—The details of the Expenditure of the Civil Contingencies:—The number of yards of Calico printed, stained, or dyed in Great Britain during the last three years, and the number of yards exported:—The amount of Revenue remitted from Scotland:—The expense of the Office of Receiver-general of Taxes (Scotland):—The expense of erecting a Patent Slip at North Wall, Dublin:—Fees taken by the Officers of the Court for the Relief of Insolvent Debtors.

Returns ordered. Account of the Stamp Duties levied on Newspapers in the Empire, on the Motion of Mr. Spring Rice and Lord Stanley:—On the Motion of Mr. Monck, the Rates and Allowances as Pensions to the Widows of Officers and Men in the Civil and Military branches of the Public Service in 1792 and 1829; with the total Amount of such Allowances in 1792, 1802, 1812, 1822, and 1829:—On the Motion of Mr. O'Connell, the Sums Assessed in the Parishes of Dublin, Youghall, and Cork, by Vestries holden in Easter-week, 1830, distinguishing the purpose of Assessment, and whether the Catholic inhabitants were present or not at the Vestries.

The Leather Duties Repeal Bill was read a third time and passed. A Bill to promote the Employment of the Poor by free Hiring and adequate Wages, was read a first time.

Petitions presented. Against the Punishment of Death for Forgery—By Mr. M. A. Taylor, from the Inhabitants of the City of Durham:—By Mr. Alderman Thompson, from Appleby:—By Mr. Byng, from Uxbridge. Against the Sale of Beer Bill—By Captain Bradshaw, from the Publicans of Runcorn:—By Mr. Davenport, from the Licensed Victuallers of Chester:—By Mr. Stanley, from the Common Brewers of Wigan and Warrington; and from the Licensed Victuallers of St. Helens (Lancashire). Against assimilating the Stamp Duties of Ireland to those of England, by Mr. O'Connell, from the Letter-press Printers of Dublin. Against the Insolvent Debtors Act, by Alderman Thompson, from the wholesale and retail Ironmongers of the City of London. Against the Stamp Duties on Policies of Insurance, by Lord Stanley, from the Manchester Fire and Life Assurance Company. Against the Watching and Lighting Bill, by Mr. Byng, from Islington; and from the Inhabitants of the Old Artillery

Ground. In favour of the Galway Franchise Bill, by Mr. Spring Rice, from the Grand Jury of the County of Galway:—By Mr. O'Connell, from the Catholic Merchants and Traders of the Town of Galway. Against the Tithe and Vestry Acts (Ireland), by Mr. O'Connell, from the Catholics of certain Parishes of Wexford, and of Borris, in the County of Clare. And complaining of Distress, by Lord John Russell, from the Inhabitants of Bandon and its Vicinity.

London-Bridge Approaches Bill.] On the Order of the Day for the Second Reading of this Bill—

Sir *E. Knatchbull* moved the introduction of a clause, empowering the levy of a duty on Coals brought into the town of Gravesend, amounting to one half of that paid by the City of London. The hon. Gentleman explained, that at present the inhabitants of this place, although they were within the jurisdiction of the City of London, paid no duty at all by landing their coals a little lower down the river.

Mr. Alderman *Wood* opposed the Clause, because it took the parties by surprise.

Mr. *Tennyson* took the opportunity to ask the right hon. Gentleman, the Master of the Mint, whether it was intended to continue the coal duties after the payment of the debt now contracted?

Mr. *Herries* said, that it was his opinion, that at the termination of the debt on the Orphan's Fund, these duties ought entirely to cease. Some legislative measure, therefore, would be necessary, but he thought it ought not to form part of the present Bill. There was no necessity for haste, for it was not probable that the debt on the Orphan's Fund could be discharged before twenty-eight years had elapsed. As to the proposition then before the House, on which he had been consulted, he had given no opinion, and with it Government was not disposed to interfere.

The Clause agreed to, and Bill read a second time.

Insolvent Debtors.] Lord *Althorp* presented a Petition for the amendment of the law respecting Insolvent Debtors, from Mr. Henry Dance, a respectable individual, who having for some time held an official situation in the Insolvent Debtors' Court, was thereby rendered peculiarly competent to express an opinion upon the subject. The prayer of the Petitioner was, that a Debtor, instead of being arrested, should have power to apply to the Insolvent Court for permission to divide his property among his creditors; and also, that creditors should have power to compel an imprisoned debtor to divide his property among his creditors, and not remain in prison and defy them. In both those prayers he entirely concurred. He believed that imprisonment for debt was in many cases detrimental to the debtor, without being in any way useful to the creditor. In cases where the debtor was an honest man, and really insolvent, imprisonment could do no good. In cases where the debtor was fraudulent, he would be the last man in the world to say that he should not be punished; but where he was an honest though unfortunate man, and disposed to surrender all his property to his creditors, surely it was a great hardship to punish him for his misfortunes. Without, therefore, saying that he was an advocate for the entire abolition of imprisonment for debt, he certainly wished to give the debtor the power of applying to the Insolvent Court for permission to divide his property among his creditors, without being previously imprisoned. When any honest man found himself insolvent, what course had he to pursue but to say that he was so, and to offer to divide his property among his creditors? But if he were to be told that he must first be punished by imprisonment, was not that likely to induce him to delay as long as possible dividing his property? These were some of the reasons which led him to concur in that part of the Petition which prayed that an honest debtor might have the power of dividing his property among his creditors without being first arrested. In the other prayer, namely, that creditors might be empowered to divide a debtor's property among them, and not be suffered to remain in prison defying them, he also entirely concurred. It was well known that there were persons residing within the rules of our prisons, and undergoing merely a nominal confinement, who were living on the property of their creditors, whom they set wholly at defiance. He therefore thought, and indeed he had always thought, that creditors should have the power in question; and he trusted that it would soon be conferred upon them. He would now move that the Petition be brought up.

Mr. Alderman *Thompson* was convinced that the time had arrived when it was absolutely necessary that something should be done on this important subject. The gross amount of the debts for which insolvents had been discharged was eleven millions sterling; and upon those debts the creditor had received, upon an average, a dividend of four pence farthing in the pound. Surely that fact was in itself a proof of the necessity of some alteration. The law, as it at present stood, operated with peculiar severity on the retail trader; the debts due to whom were of small amount, and who in vain incurred the costs of suing the debtor, as the latter, if the creditor recovered against him, merely went to gaol and took the benefit of the Act. The law ought to fix a time when a debtor shall be brought up for examination, beyond which he should not be able to postpone the inquiry. There ought also to be a provision in the law, empowering the creditor to compel the debtor to come before the Commissioners at once, and assign over the whole of his property to the payment of his debts, instead of squandering it in prison. The demoralization which the present system created was most extensive. Many offences were committed under it with impunity, of a more grave character than others which were punished with transportation. He maintained, therefore, that the law required considerable revision. Unless additional protection were afforded, to the retail traders especially, they must soon be entirely ruined. The debts of the merchant and manufacturer were fewer and of larger amount, and they had much better means of protecting themselves. He had in his possession a petition on the subject, most respectably signed, which he should take an early opportunity of presenting.

Sir *John Newport* declared, that he was every day more and more convinced of the necessity of some material change in the law upon this subject. It had been said that the retail trader would have no protection unless he had the privilege of arresting his debtor. That he denied. But if the tradesman had no such privilege, he would look more closely to the character of those whom he trusted. The amount of debts for which insolvents had been discharged, and the small dividend which creditors had received, as stated by the hon. Alderman, were principally owing to tradesmen having given credit to those to whom they ought not to have given credit, and to whom, were there no arrest for debt, they would not have given credit. It was said, that the trade of the country could not be carried on unless the creditor possessed the power of arresting his debtor. That, also, he denied. No such power existed at Hamburgh; and was it to be supposed that the tradesmen of that great commercial town would not have required such a privilege, had it not been possible to carry on trade without it? As the law at present stood, one of its chief tendencies was to protect the fraudulent debtor. In his opinion it required very extensive amendment.

Mr. Alderman *Waithman* declared it to be his opinion, after a great deal of experience on the subject, that there never was any thing so pernicious as the Insolvent Debtors' Act. It operated as an encouragement to fraudulent persons, who found themselves just as well off if they paid only the smallest fraction of their debts as if they had paid the whole. It operated as a legal oppression on an honest man, who was unwilling to recur to the same means of relieving himself from inevitable embarrassment which were resorted to by the individual who incurred large debts, well knowing that he had not sixpence to pay them with. So strong was this feeling that he had known persons rendered insolvent by unforeseen calamity, who had declared that they would suffer death rather than take the benefit of the Act. It was known that all the dividends which had been paid under the Insolvent Debtors' Act would not defray half the salaries of the Commissioners of the Insolvent Court. Was that a system to be endured? During the last year 4,000 persons took the benefit of the Act; and probably as many more obtained a release from their creditors under the threat that they would do so. The practice of living in prison on the property of creditors was also carried on to a most scandalous extent. He lived in a situation which enabled him to observe persons who were within the rules of the Fleet; and among others he had seen a person who had lived ten years within those rules, rather than divide his property among his creditors; his father allowing him 400*l.* a year for that purpose. This man's creditors would have been satisfied with the appropriation to them of 100*l.* a year of his income, yet there he lived, no doubt slipping out of the rules occasionally, and not caring a farthing about the matter. It was very easy for hon. Gentlemen to say that tradesmen ought not to give such easy credit. If those hon.

Gentlemen would lounge for an hour or two in a tradesman's shop, they would perhaps be surprised to observe the caution and circumspection used on the one hand, and the dextrous attempts at fraud on the other. There were many cases in which it was utterly impossible for a tradesman to avoid giving credit. He had no doubt that if a tradesman were to send goods to any hon. Member, and order his messenger not to leave them without the money, that hon. Member would turn round and exclaim "You rascal, what do you mean by such impertinence?" If a tailor were to send clothes to the hon. and learned Gentleman opposite, with such an intimation, the hon. and learned Gentleman would be very apt to say, "Am I not his Majesty's Attorney General." He trusted that, before the bill or the subject before the House were proceeded with, a Committee would be appointed to investigate the matter, and see if no better plan could be devised. The present system broke down all faith; and yet many a man owed a fortune of 20,000*l.* to a little confidence in the first instance, who without it would never have been worth a shilling. It was said that tradesmen ought always to insist on being paid in ready money. But where was the ready money? They must give them pound notes first. The principal merchants in the city frequently took bills for six months, and for a longer period, from their debtors; and the same principle must guide individuals of more limited dealings.

The *Attorney General* was unwilling to go into any detailed statement of his opinions on the subject at the present time, as it was not customary or convenient to do so on such an occasion as the present. At the same time, the noble Lord knew that he had no prejudice in favour of arrest. Of the expediency of the proposition for empowering the debtor, without arrest, to apply to the Commissioners for power to divide his property among his creditors, he had considerable doubts. As to that which went to enable creditors to compel their debtors, living in prison, to divide their property among them, if the noble Lord would prepare a clause for the purpose of introducing it in the bill then in progress, he should be happy to give it every possible consideration. As to a Committee of Inquiry, he should be happy to accede to any proposition for the appointment of one. He would not pledge himself to any ulterior measure; but, if any Gentlemen would undertake the labour of the investigation, he could have no possible objection to it.

Mr. *Bright* was glad to find that the hon. and learned Gentleman had no objection to an investigation by a Committee. Under those circumstances, he thought the House ought merely to re-enact the former bill for the present, leaving all new provisions to be considered after the appointment of the Committee. Alteration ought certainly not to precede inquiry. The city which he had the honour to represent was exceedingly alarmed at the proposed alteration with respect to the amount for which a debtor might be arrested. It was well known that nine-tenths of the debts contracted with retail traders were under the amount of 100*l.* His constituents were alarmed, therefore, at the change proposed by the Attorney General on the subject of arrest; and they conceived that the law could not be altered in that respect without concurrent alterations for their protection.

Mr. *D. W. Harvey* was very desirous that a committee should be appointed to examine the state of the law respecting debtor and creditor, and concurred with the hon. member for Bristol, that until the result of that inquiry should be ascertained, the best course would be to re-enact the present Bill for a short period. Such a subject could never be satisfactorily discussed in a popular assembly. It ought to be referred to a committee composed partly of professional and partly of commercial men. The present law held out no inducement to honesty: it held out no inducement to humanity; for the creditor who was the most pressing was paid, while the creditor who refrained witnessed the extinction of the means of satisfying his claim. As to the amount of the debts of insolvents during the continuance of the Act being eleven millions, it ought to be remembered that the amount of each debt was repeated in the schedule two or three times, it was true that the dividends were trivial; but that was because the debtors had no temptation to make them greater. If they had, they would disclose their insolvency, and make a division of their property at an earlier period. Why not hold out to insolvents the same temptation as to bankrupts? If a bankrupt, by an early disclosure of his circumstances, paid his creditors 10*s.* in the pound, he had a certain sum allotted to himself; and that sum was increased in proportion to the increase of the dividend. At present, not only was the Insolvent Debtor deprived of the whole of his property, but, what was worse, the whole of his future prospects were mortgaged to his creditor. It appeared by certain returns to which he had had access that within a few years, 100,000 affidavits had been made, with a view of holding debtors to bail, of that number 83,000 were for debts under 100*l.*, and a very considerable number were for debts under 50*l.* In what situation then would creditors be placed, if the law of arrest were abolished, and nothing else substituted? He was not an advocate for arrest in all cases, but when the debtor refused from obstinacy or dishonesty, to discharge his debts, his creditor should have the power to arrest him. What was the remedy proposed, but to have recourse to the property of the insolvent? This he approved of, but it ought to be accompanied by other provisions. The whole subject however was so important, that he hoped the Solicitor General would let the bill glide through Parliament this Session, and consign it in the next to the consideration of a Select Committee.

The *Solicitor General* said, that as at present advised, he had no objection to consign the consideration of the subject to a committee. Though he had no doubt that there was humanity enough in that House to protect the unfortunate debtor, it ought never to be forgotten that the creditor was the party best represented in it. He was afraid that the proposition for allowing a man to declare himself voluntarily an insolvent, would strike at the root of that credit which was so necessary to the transaction of the ordinary business of daily life. He was therefore not prepared to go along with that proposition. He agreed with the noble Lord, that it was incumbent upon them, whilst they gave every proper facility to the debtor, to take care that he was not permitted to set his creditor at defiance. He could not agree with the hon. Member opposite, that every debtor who was unable to pay 20*s.* in the pound to his creditor ought merely to be considered in the light of a trustee for his creditors. Morally speaking, undoubtedly he was so,—but how injurious would it be to give every creditor the power of breaking up any of his debtors, who could not pay him 20*s.* in the pound on demand? He would undertake to say, that nineteen persons out of every twenty could not do it. How many were there now rolling in opulence, who must have been consigned to utter ruin, if such a power could have been exercised against them during their first attempts to emerge from poverty? In conclusion, he stated, that if he found a man unable to go on with his business, owing to his embarrassments, and yet fearing to linger in prison, making every day less the little property which still remained to him, he would have such a man compelled to declare his insolvency. He repeated his opinion, that this subject ought to undergo full consideration by a committee.

Mr. *Hume* heard with pleasure the declaration of the Solicitor General, that he considered it desirable to have the whole subject of the debtor and creditor law of the country submitted to investigation. He was convinced that the abolition of arrest would not of itself be productive of good. Along with the abolition of the system of arrest,—that system which had spread so much demoralization throughout the country—the House should introduce some plan for the more easy and expeditious recovery of debts. Unless the House combined these two measures, it would only outrage the feelings of those who thought that they had an interest in maintaining the law as it now stood. Hundreds of solicitors and traders had informed him, that they would make no objection to the first measure, provided they were sure of obtaining the latter. He thought that a great many of the provisions of the Scottish law on the subject of debtor and creditor might be introduced into the English law with great advantage, particularly that which gave the majority of an insolvent's creditors the power of giving him a conditional discharge, provided they deemed the offer made to the body of creditors fair and equitable.

Mr. *O'Connell* complained of the present system of law, by which a debtor could postpone the period of settling with his creditors for three, six, or even nine months, by setting up fictitious defences. Was it not disgraceful that a defendant was not brought at once before a judge, and called upon to state immediately the nature of his defence? Why, after that defence was stated, should not sentence be given, and execution follow immediately? He could see no just reason why there should not be a voluntary insolvency, as well as a voluntary bankruptcy. He was also at a loss to discover why we were to have one system of bankrupt laws in Ireland, and another in England. As to the system of arrest on mesne process, he looked upon it as altogether bad. He knew a gentleman, who had been arrested for 100,000*l.*, at the suit of a person whom he had never seen, and with whom he had never had the slightest pecuniary transaction.

Mr. *Doherty* could not conceive how several of the topics on which the hon. and learned member for Clare had touched bore upon the subject then under discussion. The hon. and learned Member was fond of declaiming about the legislative union of the two countries; but he would take that opportunity of informing that hon. and learned Member, that whenever he should bring forward his threatened motion upon that subject, he should be prepared to meet him.

Mr. *Baring* thought that a settlement between debtor and creditor could never be attained without some power of arrest for debt. He was not aware of any country having entirely abandoned the principle of imprisonment for debt. Much had been talked of fraudulent debtors, and unfortunate debtors, but the shades of difference between them were innumerable, and even tinged by improvidence, profligacy, want of care or of knowledge, and other circumstances. He believed the instances of creditors pressing upon debtors were few, and the fault was rather the other way.

The Petition read. On the question that it be laid on the Table,

Mr. *O'Connell* said, that he had not spoken at all that evening about the legislative union of the two countries; all that he had said was, to express a wish that there was the same code of laws in England and Ireland relating to bankruptcy. At present there were two codes, or at least it was doubtful whether there were not two. Some years ago the bankrupt law of England was altered, but the alterations, either designedly or unintentionally, had not been extended to Ireland. The first clause of the Act making those alterations repealed all prior laws affecting bankrupts, both in England and Ireland; but there was another clause, which some persons considered as over-riding the former clause, by which it was enacted, that none of the provisions of the bill should extend to Ireland. Hence arose matter of great doubt, which must at some time be settled, at great expense to the assignees of some bankrupt estate.

Mr. *Doherty* concurred in the wish of having the law of England and Ireland assimilated on this subject. He happened to know that it was intended to amend the bankrupt law in England; and till that was done, it would be folly to introduce the English system into Ireland.

Lord *Althorp* said, that he should never advocate a system by which the fraudulent debtor should be allowed to go scot free, but some measure ought to be adopted to exempt the unfortunate from incurring the same punishment as the guilty.

Petition laid on the Table.

THE JEWS.] The *Solicitor General* presented a Petition from one Lewis Levi, a Jew, praying that the House would pass a declaratory law, in order to remove all doubts which might at present exist as to the power of the Jews to hold landed property in fee. He concurred entirely with the petitioner in thinking such a law was necessary. The petitioner had informed him, that neither he nor those Jews with whom he was acquainted, wished for the elective franchise. They merely wanted the rights of property.

Mr. *Cutlar Fergusson* said, that the petitioner, it appeared, wished the rights of property to be secured to him, but was indifferent to all civil privileges. He had the right to say this for himself, but not to utter this opinion on behalf of others. Of his own knowledge he could say, that there was a general expectation and hope among the Jews, that the same justice would be extended to them as to other persons dissenting from the Church of England. He was prepared to support their wishes by his vote, for he thought no disability should attach to any man on account of his religious opinions.

Mr. *Spring Rice* thought, that in the bill for the emancipation of the Jews, a clause might be inserted to continue to the petitioner all the benefits of his present disabilities, with which he seemed so contented. He was sure that this individual had presumptuously misrepresented the opinions of the great body of the Jews.

Mr. *Hume* said, that if the petitioner had stated the opinions of other persons in his Petition, he would oppose it being laid on the Table.

The *Solicitor General* assured the hon. Member that he would not have presented the Petition if it had contained any thing of the sort. He had only repeated what the petitioner had verbally said to him.

The Petition to lie on the Table.

STAMP DUTIES ON NEWSPAPERS.] Mr. *Spring Rice* said, he would take the liberty of informing the right hon. the Chancellor of the Exchequer, that it was his intention to move for certain Returns respecting the Press of Ireland. He wished the right hon. Gentleman to consider well before he proceeded further in his proposed measure of taxation; and he hoped he would see reason to abandon it altogether. In saying this, he begged to be understood, not as contending against, but in favour of, an increase in the Revenue. And he was anxious to impress it upon the English Members, and on the right hon. Gentleman himself, that in proceeding with this subject he would not only lose revenue, but extinguish revenue altogether, and also take away the means of existence from a large class of his Majesty's subjects; for, in fact, the Press of Ireland could not survive the new duties. The hon. Member concluded by moving for a return of the amount of Stamp duties received for Newspapers in Ireland during each of the last twenty years; and also for a similar return of the Duties on Advertisements.

Mr. *O'Connell* was satisfied that the right hon. Gentleman was misinformed respecting the state of Ireland when he proposed to augment the Stamp duties. He was fortified in this opinion by the statements respecting the distress prevailing in that part of the kingdom, which had been made during the Session. The present measure was, in his opinion, decidedly calculated, though he hoped not intended, to extinguish the expression of public opinion in Ireland. Within a few years the duty on Newspapers had diminished from 25,000*l.* to 14,000*l.* As respected revenue, therefore, the duty was as impolitic, as it was unwise with respect to public opinion.

Sir *J. Newport* expressed his sorrow at perceiving that it was the intention of Government to add to the duties already existing in Ireland. The system of increased duties had been tried in Ireland, had failed, and been abandoned. He believed that, if the Chancellor of the Exchequer should persist in his measure, he would reap, not a harvest of revenue, but only a harvest of discontent. He had on a former occasion proposed a reduction of the rate of duty, with a view to increase the revenue, and his expectations had been fully answered. When the duty on Spirits was 5*s.* 6*d.* per gallon, it yielded 800,000*l.*; last year, when the duty was only 2*s.* 6*d.* the revenue was 1,400,000*l.* Nothing could be more obnoxious to the people of Ireland, than any measures which tended to injure the Press, and he was sure that if the Chancellor of the Exchequer pressed his proposed measure, he would create for himself a host of enemies.

The *Chancellor of the Exchequer*, said it was not quite fair, when a notice was standing on the books for a discussion on this subject, to introduce it after the present fashion. He would try to reserve what he had to say upon the matter until it was brought before the House in the regular course of business.

The Returns ordered.

CORPORATION FRAUD.] Mr. *O'Connell* presented a Petition from the Traders, Manufacturers, and Artisans of the Town of Galway, in favour of the Galway Franchise Bill. The petitioners stated, that that bill would have the effect of restoring them to those rights which their ancestors had exercised, and they prayed that a petition which had been presented, as from the Mayor and Corporation of the Town of Galway, might be dismissed—the petition not deserving that character, for though the Corporate Seal had been affixed to it, the petition had not been agreed to at a Corporate Meeting.

Mr. *Hume* said, the statement made in this Petition, if truly made, and capable of being substantiated, was one that considerably affected the privileges of that House. If the Mayor had really been guilty of affixing the Corporate Seal to the petition without the authority of the Corporation, he had been guilty of a fraud on the House, and deserved its severest reprehension. He trusted that the hon. and learned Member would move for the appointment of a Select Committee, to see whether or not that statement were capable of being proved.

Mr. *North* agreed with the hon. member for Aberdeen, that if the statement made were true, a fraud had been practised on the House; but he must confess, that he was inclined to refuse credit to that allegation in the Petition; first, from his personal knowledge of the Mayor of Galway, who was a most respectable man; but further, because the petition referred to, from beginning to end, was in spirit a Corporate petition—substantiating, maintaining, and asserting, the rights of the Corporation itself. He agreed however, that an inquiry ought to be instituted into the truth of the allegations.

Sir *J. Newport* also thought, that the matter was worth inquiring into; for if the Corporate seal had been affixed without the knowledge or authority of the Corporation, it was certainly an improper proceeding on the part of the Mayor. He would not use such harsh language as to say that it was a fraud, but it was very wrong. It was possible that he might have done it under a misconception of his duty; but if he had, it was fit he should be warned of the impropriety of his conduct.

Mr. *O'Connell* admitted, that the allegation ought by no means to be taken as true, till it had been examined and proved; but it certainly deserved inquiry; and he pledged himself that the Mayor should have the full opportunity of repudiating the charge; for he would, at an early opportunity, make a Motion on the subject.

Solicitor General of Ireland.] Mr. *Doherty* said, that the conduct of the hon. and learned member for Clare, with respect to the Petition reflecting upon the Mayor of Galway, which he had just presented, was most fair and honourable. He had no doubt that the hon. and learned Member would act with equal candour towards another individual, and he therefore begged to ask, when he meant to present those petitions, copies of which he had sent to the Secretary for Ireland, and which reflected strongly on the character of the individual who was then addressing the House?

Mr. *O'Connell* said, he had sent the copies of the petitions to the Secretary for Ireland, because he felt himself bound to do so; but he had since had reason to induce him to wish to examine into the subject before he proceeded further, and he should not bring forward the petitions until he had had an opportunity of getting more accurate information than he yet possessed on the matter to which they related.

Mr. *Doherty* observed, that the conduct of the hon. and learned Member would be quite becoming and proper, if he had not already made the charges contained in these petitions matter of such notoriety, and if he had not forwarded the petitions to the Irish Government. But the hon. and learned Member had even gone further, for, unless the press of Ireland had most grossly misrepresented him, he had, at the late assizes in Ireland, most directly and positively asserted that his (Mr. Doherty's) conduct or misconduct should be made the subject of parliamentary inquiry. Under these circumstances, the hon. and learned Member, having gone so far, was bound to go further, and give him the opportunity of clearing his character.

Mr. *Hume* submitted, that the hon. and learned member for Clare, having answered the question put to him, and having declared what was the line of conduct he should pursue, the hon. and learned Member opposite had no right to press him further.

Mr. *O'Connell* did not know what the Irish newspapers had reported of him; but what he knew was, that his statements had been made on the authority of communications made to him. If the facts were as they had been represented to him, he should certainly bring the matter forward; but he should not do so till he was assured as to the truth of these facts. The discussion of the Irish Estimates would give him the opportunity of calling for other returns, which would enable him to decide upon the propriety of the allegations in the petitions, and to determine whether he would bring them forward or not. At present he was not in possession of sufficient evidence to justify him in calling the attention of the House to the subject.

Sir *C. Wetherell* did not think that any man's character ought to be thus as it were kept afloat on the authority of mere allegation in a petition. It was unjust towards any man to suspend charges over his head in that manner; but most of all was it unfit to do so with regard to so high an officer of the Government as the Solicitor General. If the hon. and learned member for Clare had a case against the Irish Solicitor General, let him use it; if not, let him say so at once. An advocate as he was for the utmost latitude in the use of the right of petitioning—advocate as he was for a perfect freedom to be allowed to petitioners to state complaints which they might justly entertain against the officers of the Government—he must say that that House would be a place most unfit for any man to sit in if these insidious opportunities were there to be afforded for the invasion of a man's character—if these insinuations against it were allowed to be made, while the party making them was permitted to decline so framing his charges that they could be met and repelled. It was the duty of Mr. O'Connell, as a lawyer, as a Member of Parliament, and as a Gentleman, fairly and distinctly to come forward with his attack, if he meant to make one, and if he did not, at once, like a liberal man, to state to the House that he had no complaint to urge against the hon. and learned Gentleman opposite.

Mr. *O'Connell* had a right to reply to the liberal or illiberal discourse of the hon. and learned Gentleman who was now liberal enough in assailing him, and would have been liberal enough to keep him out of that House if he could. He had, however, been returned, and being there, had the same privileges as the hon. and learned Gentleman. He would ask whether the petitions contained one single particle against the hon. and learned Solicitor General? It was not his fault if the complaints that had been stated to him were unfounded—and whether they deserved consideration or not, he had felt he could not bring them forward in the absence of the hon. and learned Gentleman. He wished to add, that since the petitions had been given to him, a report of the trial had appeared, edited by a most respectable Barrister, and the reading of that report had given him a different view of the subject, and he should, therefore, abstain from presenting the petitions till he had evidence to show him that the former accusations were just, and that that book was incorrect. He had some reason to think that the book was not incorrect, as the author of it was a gentleman of great respectability, and he had, therefore, been at great pains to institute an inquiry, and had not since uttered one word on the subject, either in or out of that House, [*hear, hear*]. "Hear, hear*?*" indeed—he should be glad to know whether there was any gagging power in this country? He knew there was in Ireland, but he had not been aware that it extended into England—and especially into that House—and miserable indeed would be the situation of any hon. Member in that House if he were to be kept silent by the hon. and learned Gentlemen on one side, whose opinions were echoed by the equally liberal, honourable and learned Gentlemen on the other. He disclaimed their authority. He contended that he had pursued a cautious and prudent course. He had not lent, and would not lend himself to any individual; nor would he present petitions of this sort unless he was satisfied that there was evidence to bear them out. If he were satisfied with the evidence he would bring the matter forward, if not, he would allow them to remain in that obscurity from which, by this discussion, the hon. and learned Gentleman had attempted to draw them. Having said so much, he now appealed to the Speaker to know whether this discussion was in order?

The Speaker decided in the affirmative.

Mr. *Doherty* would not press the former question further, but he wished to put another to the hon. and learned Member. After the trials which had lately taken place in Cork, the hon. and learned Member stated, at a public meeting, that he should avail himself of the power he possessed as a Member of that House, to drag him (Mr. Doherty) to its bar to answer for his conduct. He now wished to ask the hon. and learned Member whether he intended to bring forward any accusation respecting those trials?

Mr. *O'Connell* said, it was his intention to do so when that House had furnished him with the fitting documents. The question he should then submit to the House involved this important question—how far Counsel for the Crown were justified, when they had in their possession documents which proved a witness for the Crown to be perjured, in proceeding for a conviction on his testimony? He could not move for the documents he now referred to before the close of the last Cork Assizes; they were now over, and he meant to take an early opportunity of moving for those papers. He had but one line of conduct to pursue, and that he would pursue.

[Further conversation on this subject was prevented, by the evident unwillingness of the House to permit it to proceed; and though Mr. North afterwards referred to it again, he was called to order, and the subject was finally dropped.]

LAW REFORMS.] Mr. *Brougham*:—I have now, Sir, to call the attention of the House to a subject which I brought under its notice upwards of two years ago; and I ought, perhaps, to begin by explaining why I did not renew the consideration of it at an earlier period than the present. In consequence of the motion I then made, two Commissions were issued for the purpose of instituting inquiries into the state of the Common Law and of Equity. Both commissions have since made reports on the subjects referred to them. The Equity Commissioners have made one report, and a second may, I understand, soon be expected from them. The Common Law Commissioners have made two reports. If I had pursued the subject after the first Report had been published, I should have done it under every disadvantage; for the commissioners then disclosed their doubts and difficulties on several questions, and announced their second Report, in which they said that many of these questions would receive their decision. Of course it was impossible for me to know what to do, till I knew what course they would adopt. Let it not here escape notice, that I am anxious to express my perfect and entire satisfaction at the manner in which the commissioners have discharged their duty.—They have proceeded with the greatest possible deliberateness, and although much remains to be performed, the portion of the subject they have investigated is unquestionably of paramount importance. I therefore do not complain that they have treated the question before them too lightly, and certainly I do not complain of the inadequate execution of the duties imposed upon them. I hold their inquiry to have been conducted in a proper spirit, pursuing a middle course between rashness and subserviency—neither setting too much at naught the long-pondered decisions of authority, nor evincing that overstrained respect for existing institutions which too often degenerates into a veneration for existing abuses. They brought to the inquiry not only great theoretical learning, but long experience as practical men; and their second Report, especially, contains suggestions well worthy the most anxious consideration. That Report is full of profound thought and of most ingenious invention (if I may so speak), upon the science and practice of the law, and it has received from the profession at large—and, indeed, from all who are not of the profession, and who are capable of understanding the question, the most unqualified approbation. I will venture to say, that not within a century and a half has been produced in this country anything like a document containing so much important matter, consisting partly of the suggestions of the commissioners, and partly of the facts they have been enabled by evidence to establish. This being my deliberate opinion of the merit of the commissioners, and of the importance of their labours, it cannot be supposed for a moment that I bring forward this subject in any spirit of hostility. On the contrary, I go hand-in-hand with them: I take up the part of the question they have left untouched; and if, in the first place, I saw any prospect (I mean any prospect within a reasonable time), that their inquiries would be directed to the residue of the subject; or if, in the second place, that residue, which is what I propose to bring under the consideration of the House, were inseparably connected with the duties they have already discharged, I should be at least willing to defer my motion, in order to prevent the evil of a double discussion, if I did not leave it entirely in their hands. After the best consideration I have been able to apply to the matter, I do not think that their attention is likely to be directed to that part of the subject which I have in view, within a reasonable time; nor do I see that it is inseparably and essentially mixed up with the remainder of their inquiries, so that I ought to abstain from calling the attention of the House to it. If a man were told that there was a country, in which, in order to recover a debt of 6*l*. or 7*l*., it was necessary that the creditor should begin with the expenditure of 60*l*. or 70*l*. of his own money, thus running the risk, according to the old saying, of "throwing good money after bad," I think the man who was so told would at once assert, that whatever other advantages such a country might possess, it was unfortunate in its system of law. But if he were farther informed, that after spending this 60*l.* or 70*l.* for the recovery of 6*l.* or 7*l.*, the creditor would be subjected to long delay—to great anxiety—to no little uncertainty,—that he must endure being bandied about to and fro, from court to court, and from province to province, before he could obtain a verdict, the envy of such a country and its legal institutions in a man so informed would be still further diminished. If, to this information, it were added, that, in the same country, after having spent 60*l.* or 70*l.* the adversary of the creditor would have the power of keeping all his property out of his way, so that after this expense, all this delay, and all his anxiety, it was doubtful whether he could obtain a single farthing of his debt;—if, furthermore, it were added, that in the same country, were the debtor solvent, and willing to pay what the law required from his hands, the creditor would receive, it is true, his original claim of 6*l.* or 7*l.*, but not the whole of what he had expended to recover it, by about 20*l.*, so that on the balance he would be some 14*l.* or 15*l.* out of pocket by success; the individual to whom this strange information was given, if he supposed it possible that such a country existed, would at least pronounce it to be one of the most barbarous and unenlightened of the world. That it must be a poor country, he would think quite obvious—of no commercial power—of no extent of capital—of no density of population, because those circumstances would necessarily produce, from hour to hour, transactions involving important and valuable interests—nevertheless, I need not remind the House, for every man who hears, or does not hear me, must be aware of the fact, that such a country, so unfortunately circumstanced, is no other than that in which I now speak—England. Then arises the question, how is this admitted evil to be remedied? and in order to know how the remedy is to be applied, the first point is to ascertain whence proceeds the evil? I am thus entering at once into the middle of my subject, and I am persuaded that such is the most convenient and expedient course, because it enables me at once to see and grapple with the real difficulties of the inquiry, to which, far be it from me for one moment to shut my eyes. That part of the mischief which can be got rid of I call upon you to remove. I formerly took the opportunity of stating a kind of experiment I made at one of the Lancaster assizes, when my hon. and learned friend (Sir J. Scarlett) was present. I requested the Prothonotary to furnish me with a list of about fifty verdicts recovered during that assize, and the average amount of those verdicts, I found to be under 14*l.*—13*l.* odd shillings each. I do not mean to represent that there were not three or four actions in which the damages were nominal; some of them actions of ejectment, and other suits to decide rights; but the bulk of the verdicts were on actions of debt, or of the nature of debt, and the average was less than the sum for which by law a creditor may hold his debtor to bail. I am far from saying that such is an accurate picture of the average result of actions, tried either at the assizes or in London; but it is not much out of the general course. Taking the average of the five years ending 1827, the number of actions annually brought in all the Courts of Westminster is something under 80,000: I believe that the precise amount is 79,800. The number of these brought to trial is only about 7,000, for many, after they have been commenced, are not pursued on account of the cost, delay, and vexation to which I have already directed attention. But passing by this topic, because it is not with a view of illustrating the denial of justice which is involved in these heavy expenses that I state the fact, I observe, that if hon. Members wish to form some estimate of the sums for which actions are generally brought, they will be enabled to do so from a document upon the Table. I will not go into its details, but what I am about to state is at least a near approximation to the results. A return was made in 1827 of the number of affidavits of debt in the Courts of King's Bench and Common Pleas for two years and a half. The number of those affidavits for sums above 10*l.* was 93,000 odd hundreds, but in round numbers we will call it 93,000. These 93,000 affidavits were made the foundations of 79,000 actions; for an affidavit of debt, as every body knows, is the earliest proceeding in the commencement of an action. Let us see, then, in what proportion the affidavits were for small sums, moderate sums, and large sums. 29,800 were for sums between 10*l.* and 20*l.*, and no more; 34,200 were for sums between 20*l.* and 50*l.*, making together 64,000, out of 93,000 for sums not exceeding 50*l.* For sums not exceeding 100*l.*, and of course including the 64,000, the number of actions was no less than 78,000. Thus the House will observe, that of the whole number of 93,000, there was no less than one-third for sums not exceeding 20*l.*; no less than two-thirds for sums not exceeding 50*l.*; and no less than five-sixths for sums not exceeding 100*l.* The House will pardon me for not going more into details—what I have stated is the result of recollection, but I can venture to pledge myself for its accuracy, and it will be perceived at once that it leads to a most important practical conclusion, viz. that the vast bulk of the litigation of the country resolves itself, as far as actions of debt, and of the nature of debt go, into actions where the sum in dispute is not more than 100*l.* I now beg to draw the notice of the House with greater particularity to what a creditor is exposed who undertakes to prosecute an action; I have hitherto dealt only in a general description of his expenses and sufferings. In their first Report, towards the close of their appendix, the commissioners have inserted some valuable tables of costs, and to one of them, applicable to an action in the Court of King's Bench, I beg leave to request especial attention. First, I should state, that these are real bills of costs; and next, that they are reduced to the very lowest scale of expenditure. One of them was an action from Lancaster, tried in London, and the bill clearly shows, not only that the costs are set down at the lowest possible rate, but that in the proceeding there was no incident at all out of the ordinary course, and therefore, the circumstances were most favourable, both as regards cheapness and expedition. The costs, in order to obtain the verdict (and before any thing was done upon a special case, reserved for the opinion of the Court), were 86*l.* odd shillings. The whole costs, including the further proceedings necessary before the plaintiff could derive any benefit from his verdict, was 110*l.* but of that sum is to be deducted no more than the sum of 10*l.* odd shillings, for the delay of a term in hearing the argument, and of 6*l.* for the delay of a sitting in bringing the cause to trial. I will suppose, however, that all the recommendations of the commissioners, which I admit are most proper and important, and when carried into execution by legislative enactments, will be productive of great practical good—I will suppose that they had been carried into effect, that we had derived all the good from them that could be expected, and what would be the consequence in respect to this case? We should have to deduct 6*l.* as a diminution of the expense in the first stage, and 4*l.* as the diminution of expense in the second stage, leaving 80*l.* as the expense of obtaining the verdict, and 100*l.* as the costs, the indispensable costs, of the entire case, which must be incurred even after the recommendations of the commissioners shall have come into full operation. I admit that a considerable part of the costs was occasioned by the attendance of witnesses—I do not mean to say that I admit it—I assert it—I maintain it—for it is to be one of the principal grounds on which I rest the proposition I am about to submit. True it is, the cause was a country cause, brought to be tried in London; and equally true it is, that if, instead of being tried in London, it had been tried at Lancaster, or at York, the same expense must have been incurred according to all ordinary calculations of chances. The witnesses were an architect, a master-carpenter, and labourers; and in taxing costs, 2*l.* 2*s.* a day are allowed for an architect, or surgeon, physician, or any person of skill and science, 15*s.* a day are allowed for a master-carpenter, and 5*s* a day for a labourer, to which are to be added travelling expenses, which I perceive, are at the rate of 8*d.* per mile. Then, as to delay, let me remark that the delay in trying a cause at the assizes is often much greater than in trying a cause in London; and there can be no manner of doubt that this very circumstance was one of the causes operating upon the plaintiff in inducing him to prefer London to the country. In London, by making the case a Special Jury case, his attorney and witnesses would only have to wait one, or at most two days; while at York or Lancaster, they might be detained for four, five, six—aye, and I have known it, for ten, twelve, or fourteen days before the trial was brought on. Attornies are allowed 2*l.* 2*s.* a day if they have only one cause at the assizes, and 1*l.* 1*s.* a day if they have two; and a plaintiff is not answerable if it should happen that his attorney has only one cause; all his witnesses are to be paid, not only going and returning, but while they are in the Assize town; and as long as the present system continues, I look upon this as essential to, and inseparable from it—as necessary a part of the expenditure as the retaining of counsel or the employment of an attorney; indeed, I am not sure if it be not even more necessary. Now, I will call the attention of the House to the difference between the costs incurred and the costs taxed? That is to say, after obtaining the costs recovered from an adversary as the consequence of the verdict, how much is a plaintiff out of pocket? It may be remembered that I formerly produced to the House four bills of costs, all from the offices of most respectable attornies; in one of 400*l.*, about 200*l.* (or half) was deducted on taxation; in another, one-third was taxed off, 70*l.* being deducted from 210*l.* or 220*l.*; in a third instance, which was the lowest of the whole, because the action, for 50*l.*, was undefended, 15*l.* out of 60*l.* (or one-fourth) was deducted on the taxation of the bill. If the defendant had been litigious, and, with the aid of a long purse, had resisted the claim, the expense would have been raised to 80*l.* before the plaintiff obtained his verdict, according to the plan recommended by the commissioners, and 100*l.* before he obtained his final judgment. In point of fact, I might take it at 120*l.* before obtaining a verdict, and 150*l.* before obtaining the final judgment. Out of this 150*l.* 50*l.* would be struck off for extra costs, and he would be allowed only 100*l.*, and being also the gainer of the sum in dispute he would have that, making the sum allowed him by the law, as the expenses of the suit, and the debt he had recoverd exactly equal to the sum he had expended in prosecuting his just claim. The result of the whole is, that the party would gain exactly nothing by recovering his verdict for 50*l.* In addition, he would have been exposed to all the vexation of delay, and to the distress of uncertainty, and if he be a man who, for the first time, has brought an action in a Court of Justice, it is most likely to be his last experiment of the kind. I am here taking an instance most favourable to the other side of the question, and it is needless to say that it is anything rather than an average case; in general, those who succeed have to pay more than they receive, and are often considerably out of pocket. What is the result but this? that no man in his senses would think of proceeding in an English Court of Justice for such a sum as 20*l.* or 30*l.*, or I should say for any sum under 40*l.* or 50*l.*, and a wise man would almost put up with an extortionate claim to that extent, rather than incur the hazard of resisting it, even though he might have the plaintiff's stamped receipt in his pocket. If a party succeeds, he cannot gain, and if he is defeated, he is sure to be a great loser. I had very lately occasion to speak with an attorney of extensive practice, residing only twenty miles from the Assize town, upon this point, and he agreed with me that no plaintiff ought to think of seeking redress, even at the distance of only twenty miles, for a smaller sum than 40*l.* This was a solicitor's private opinion, for which probably he had never charged his client 6*s.* 8*d.* To be sure a man is sometimes justified in bringing an action for a small sum, or in resisting an extortionate demand, on other than mere pecuniary grounds; but with reference to money alone, a man is not now justified in endeavouring to recover, by means of an action, any sum less than 40*l.* I am well aware that it is not only always easier to point out defects than to apply remedies; but he that propounds a cure for mischief of the widest extent, and for intolerable oppression—for such they are according to the unanimous admission of all persons of all ranks, exposes himself—and gives an opponent a decided advantage; he is always more or less in the predicament of an inventor; he always seems to be a person who sets his wits above those of other men, and affects to be wiser than those who have gone before him; and I therefore unfeignedly avow that I feel much distrust of myself, in bringing forward that which appears likely to be a remedy. I am perfectly sensible that something will be done when the recommendations of the commissioners are carried into effect; I know, and I rejoice to know, that some of the great evils will be removed, as the result of their inquiries; but I am equally certain, that still much will remain to be done, and I trust the kind of remedy I shall propose will be one which, while it carries further the design of the commissioners themselves, will be found most accurately and nicely to chime in and harmonize with, instead of being repugnant to their principles. I have stated the principal causes of the evils we all see and suffer; and I now proceed at once to the remedy. The great evil arises out of the distance to which parties are necessarily dragged, in order to obtain a decision upon their rights. For many, many ages it has been the system of English jurisprudence, that justice should be administered in the centre of the kingdom, or what is politically, though not geographically, its centre. The metropolis has been made as it were the great mart of justice, from whence all process issues, and to which all process is returned. This is not of itself the cause of the expense of which I complain; because the mere difference of sending to town for a writ is not of itself worth considering in point of expense, for it would be little less were it sent from York or Lancaster. Out of this fact, however, arises another part of the system to which the same observation is not applicable. The Judges come from London, as well as the writs, and a plaintiff must wait until the Judge visits the country, before he can have his cause tried. The Judge arrives in the provinces once in every half year, and in the interval no redress can be had. But that is not all; when the cause is tried, the party must go perhaps to the remotest corner of the county where the assize town is situated, and there he must be attended by his legal agents, advisers and witnesses, and perhaps they may be detained during the whole assizes, for there is often a race between the agents as to who shall enter his cause latest, in order that he may have the longest bill. Witnesses must be paid for their time, and must, besides, be maintained; and as there is a great deal of competition and corruption always going on, if an attorney behaves shabbily to his witnesses, he is sure, from one or other of them, to pay for it before the conclusion of the cause. All these consequences are the necessary results of compelling the parties to go twice a year to the assize town for justice. Then comes another stage of the proceeding equally attended with expense; if any point be reserved, or an appeal made from the decision at Nisi Prius, it must be discussed in London, and to London the agents must be sent with great delay, and a great and unnecessary expense. Now what is the obvious remedy for these evils? To that I shall presently come: but I wish to steer clear of the objections to which he is liable who prescribes remedies. In the propositions of the Law Commissioners some remedy is contained for a part of these evils. The proposed alteration, for example, in the mode of issuing process will effect a diminution of expense, which will also be effected by another regulation for lessening the arrears of the Courts, and thus preventing delay. As I have already stated, these two alterations will lop off the bill of costs 10*l.* and 6*l.* I expect, from other excellent proposals of theirs, that there will be much facility in respect of time, much satisfaction in respect of certainty, and somewhat of diminution in respect of costs. In particular, I allude to that improvement which will be brought about by having documents proved by subscribing witnesses in certain cases, without the cost of bringing them down in attendance upon the Court at the time of trial—from which I anticipate a very considerable saving of expense. In the class of cases, however, to which I am requesting the attention of the House, there are no written documents, and in them no decrease of expense by this improvement, even should it prove in practice as successful as I trust and believe it will be. I think, also, that the system of pleading will be most materially improved by the suggestions made in the Report of the commissioners, they being some of the happiest thoughts—some of the most ingenious contrivances—I will say, some of the most profound suggestions for promoting convenience and dispatch,—with which the science of pleading has yet been enriched, well worthy the attention of the learned lawyers particularly engaged in the practice of that part of the profession, and well worthy of the learned lawyers from whom they have proceeded. Important as are dispatch and certainty, these propositions do not tend to remedy the evil occasioned by the removal of suitors and causes to a distance from the ordinary residence of the former to the assize town or to the capital, where I am willing to admit certain causes should be heard in the last resort. I hope the House will pardon me if I remind it that the great and crying mischief in this matter arises from causes involving amounts between 20*l.* and 100*l.*, not being capable of being brought to trial in that cheap, easy, and speedy manner which suitors have a right to expect. In order to make my views better appreciated, I would fain solicit attention to what was our old scheme of jurisprudence. Let me not, however, be misunderstood. I regard with too much admiration and attachment that principle which recognises the seat of justice to be in the capital, as the heart from which all the members of the judicial body circulated twice a year throughout the kingdom, conveying from Westminster-hall justice in its purity and full vigour to the remotest parts of the country, to attempt to make any alteration in that. I feel as fully as any man the great and manifest advantage of that practice. But long antecedent to it there existed in this country a practice much more simple, no doubt, and more likely to have arisen in a backward state of society, while, at the same time, it was a much more convenient mode than any now in use: I speak of the mode of trial by the County Court. Antiquaries differ not a little as to the origin of this Court, and as to its early constitution and jurisdiction; but that County Courts were, in the days of our Saxon ancestors, the great tribunals of the country there can be no doubt. My own opinion is, though I know that in holding that opinion I differ from very high authority, that the County Court was originally a Court of criminal as well as of civil jurisdiction—at all events there can be no question that in Saxon times it had jurisdiction of all causes, ecclesiastical as well as civil, and that the Bishop sat in it as well as the Earl, the civil ruler of the county. We learn from Kennett, that the Bishop and the Earl were to meet the county—the one to state the law of God, the other the law of the land; or, as he expressed it, the one to teach the people the law of God, and the other the law of the land. At that time then, and the practice certainly continued down to the Conquest, every man in all ordinary causes, in the first place, was to seek justice at home, and when he had been refused it, then, but not till then, he was to seek it of the King. He was in no case to seek it of the King until he had failed to obtain it in the County Court. On this point nothing can be more satisfactory than what is said by Sir Harry Spelman. No man, he says, shall seek justice from the King till he has first endeavoured to get his burthen lightened by the Sheriff, because he shall not be obliged to go far to obtain justice. In the 6th of William the Conqueror there was a celebrated cause in the County Court of Kent, at which the Archbishop, three Bishops, the Earl, the Sheriff, and all the principal persons of the county attended. Lanfranc was the Archbishop, one of the parties to the suit was Odo, half-brother to the King, and the Earl of the county presided. It was a meeting which lasted rather longer than some late meetings of that county have lasted; it continued during a period of three days, and matters of great importance were settled at it, and manors of great value were disposed of by its decision, which was afterwards confirmed by Parliament. This was the state of the County Court at the time of which I am speaking. By degrees, however, the authority of the Sheriff came to be limited from the extensive civil jurisdiction which he had formerly enjoyed, and an inferior description of suitors was assigned to him, it having been found, perhaps, that what had been extremely well adapted to a more simple social system, was not so well suited to society in its further progress. By the Statute of Gloucester, in the 6th of Edward 1st, the exclusive jurisdiction of the Sheriff's Court was limited to cases under the value of 40*s*. Perhaps in a century, or a century and a half, that sum became the maximum as well as the minimum of the jurisdiction of the Court; but at the time the exclusive jurisdiction of that Court was fixed at 40*s*. I say exclusive, for it might entertain causes of larger amount in common with other Courts. This Court was essentially English, whatever changes it may have undergone in the lapse of ages. I shall now, with the permission of the House, call its attention to the history of the County Court in the sister kingdom of Scotland. I am far from saying that we should be too easily led by precedents, but when there is a good example, when the precedent is safe and the example good, I can understand no reason why we should be slow to take advantage of it. In considering whether or not we ought to adopt a new system, or recur to an old one, we should act prudently in looking to see how it has operated in any other country or time in which it might have been introduced or preserved. I presume I need not remind the House, certainly I have no occasion to remind any lawyer, that however widely our present systems of jurisprudence may differ—I mean the systems of England and of Scotland—time was, when they were one and the same; their origin was exactly identical. The best illustration I can give of this is, that the oldest laws of both are so closely allied that while in England it was contended that the book called *Regiam Majestatem* was copied from Glanvil's book, in Scotland it was asserted that the latter was copied from the *Regiam Majestatem*.

Though proceeding for a long time together, and in close resemblance with each other, and though England may have effected vast improvements, far surpassing any adopted by Scotland, yet something possessing a good deal of value too might have been preserved in Scotland, which was lost in England. With all my prepossessions in favour of the law of England, I cannot help thinking that Scotland may yet have retained some portions of the ancient system, common to both countries, which we have lost, and which it would be advantageous to restore. In both countries the constitution of the County Court was originally the same, and in both its jurisdiction appears to have been unlimited. The original County Court in England was that at which the Bishop and Earl, or Alderman, with the Viscount or Sheriff presided. In Scotland the Sheriff's Court took cognizance of the four pleas of the Crown, with the permission of the Justiciar; and in all civil suits the County Courts were of unlimited jurisdiction. The appointment to the office of Sheriff soon took a different turn in the two countries; the office of Sheriff, originally elective, was then made an appointment for years, and afterwards for life; it then came, in Scotland, to be conferred in fee—this led to heritable jurisdictions — the Earl became hereditary, and the Viscount, or Sheriff, a privileged individual well known to the laws of that country. It was not until lately, at the abolition of the heritable jurisdictions, that the County, or Sheriff's Court as it is called in Scotland, was put upon its present advantageous footing. The number of forfeitures in the rebellions of 1715 and in 1745 vested almost all those jurisdictions in the Crown. There are no heritable jurisdictions not open to serious objection, except, perhaps, the hereditary jurisdiction vested in the Peers of this realm of England, to which the objections made to other heritable jurisdictions do not apply. In the year 1746 an Act was passed abolishing all the heritable jurisdictions, and vesting all the shrievalties in the Crown; and the first step taken thereupon was to appoint Sheriffs Depute in each county. The persons appointed to that office were for the most part gentlemen of some professional standing at the Bar, and the Court over which they presided took cognizance of all matters to which a very extensive civil jurisdiction could be applied. Those officers were paid a moderate, reasonable salary, and their appointment was attended with the best effects to the administration of justice in that country. I should be happy to witness a still further improvement; I should be glad to see the Sheriff Depute residing within his county, constantly holding his court himself, and not leaving it to be held by his substitute; and this is the system which I think, in its main principle, could be introduced into this country with the highest advantage. Those courts are found to have worked well in Scotland, and have afforded to the people a means of obtaining cheap and convenient justice. The Sheriff's Court in Scotland is competent to entertain nearly all ordinary causes of actions—all actions of debt to any amount—actions of damages on almost any cause of complaint—actions of defamation, assault, false imprisonment, malicious prosecutions, criminal conversation, trespass, trover, seduction, and almost all actions of *tort*. Now let us look to the working of this Court. During an average of three years—the years 1821, 2, and 3, there were 22,000 some odd hundred causes tried in the Sheriff's Courts in Scotland in each year, for the amount of 5*l.* and upwards—this was of course exclusive of such matters as had been tried before justices of the peace. Now, taking a comparative view of the wealth of England and Scotland, and assuming that the wealth of the one was between six and seven times as great as that of the other, we should, had we similar courts in England, have had between 120,000 and 130,000 causes tried in England in the same time. But that is a far greater number than the causes actually tried in England, for of the number of actions commenced, not one-eleventh are brought to trial—not, perhaps, 7,000 out of the 80,000 placed on the records of the court. Of the 22,000 causes brought before the sheriffs in Scotland, about 12,000 were disposed of without the defendant appearing, or were undefended causes, and about 10,000 were disposed of *foro contentioso*. From the decision of these courts there is an appeal to the Court of Session; but the number of appeals is small, being one in 117 of the actions commenced, and one in 53 of the actions brought to trial. The House will see, then, how much satisfaction this system gives in Scotland; and from that I think I may draw the conclusion, not a fanciful one, that the only cases in which the decisions of the Sheriffs' Courts are not allowed to be final, are those in which the property involved is very considerable, or which give rise to difficult questions of law. The Sheriffs' Court I regard as one peculiarly well calculated to afford satisfaction to suitors; and to those who may be dissatisfied, there is always the appellate jurisdiction open; and to those who may have more difficult or complex questions to decide, and graver causes of action to bring forward, there will always be the superior court. The Sheriffs' Courts of Scotland appear, from the small number of appeals, to dispose in a manner perfectly satisfactory to the great mass of the inhabitants, of a great number of causes, and a great amount of property. In the district of Lanark, which includes Glasgow, one year with another, property to the amount of 50,000*l.* is adjudicated on, and taking this as one-sixth of the whole, we shall find that cases concerning property to the amount of 300,000*l.* are annually disposed of by the Sheriffs' Courts of Scotland. Considering the relative wealth of England and Scotland, it may be inferred, that similar courts, if established in England, would annually decide causes to ten times the amount or 3,000,000*l.* Have we then in all this nothing to induce us to recur to our old law—the English law, the Saxon law of our ancestors? Scotland has still kept it up, and has found it answer. I do not desire you to do the same merely because Scotland has done so; but we have in this country grievous and crying mischiefs which the people of that country have not. Let us try if, by the adoption of that system, we may not, in some degree, remedy the evil of which we have so much reason to complain. Before coming to the proposition with which I mean to conclude, I shall briefly advert to the expense of the Sheriffs' Court in Scotland. On a claim of 12*l.*, when there is no litigation, or what in this country would be called an undefended cause, the expense is 10*s.*; when the sum amounts to 25*l.* the cost is 15*s.*; when it amounts to 50*l.* the cost is little more than 15*s.*; and when it amounts to 100*l.* the cost is only 20*s.* There are cases concerning which there is no litigation—the causes are undefended—but even when there is litigation, the expense is trifling compared with what it is in this country. Even in a contested case, where the matter in dispute amounts to 12*l.* it may be recovered for costs of 5*l.* taxed, and the party recovering is only put to an expense, or actual loss, of 5*s.*; when the amount is 50*l.* it may be recovered for 10*l.* or 12*l.* with a loss of 10*s.* or 12*s.*; and even on a debt of 100*l.* the costs would not be above 13*l.*, which, on being taxed, would not be reduced below 12*l.*, so that the successful party would not lose more than 20*s.* Now with all my prejudices in favour of English judicial establishments, and the English system of jurisprudence, I must be allowed to say that I do envy Scotland the possession and enjoyment of that tribunal—that cheap and convenient justice; and cheap I may venture to call it, when 100*l.* can be recovered for an outlay of 13*l.*, and an ultimate loss of 20*s.*, when in this country 100*l.* can seldom be recovered without a man first incurring an expense far greater than it, and the ultimate sacrifice of half the sum. It now remains for us to consider how we can extend the County Courts to this country, and adapt that jurisdiction to the system of making the capital the source of general justice for the realm at large. I feel that I am trespassing much upon the indulgence of the House by thus entering into detail, and I should gladly avoid doing so if I could accomplish the object which I have in view without entering into those minute particulars. In considering how we may improve our County Courts, I must first observe, that it is the greatest possible error to imagine that inferior suitors ought to have inferior Judges; that when questions are to be decided respecting persons of superior rank, wealth, and intelligence, men of superior intellect and station should be provided for that purpose; that when a matter of 100*l.* or upwards is to be decided, a high and distinguished Judge should be employed for that purpose; but that in a matter only involving two, three, five, or six pounds, any thing will do for a judge; a Sheriff, or Sheriff-assessor, or whatever name he may bear, any one will answer to preside in a court for the decision of such petty concerns, whether he be a man qualified or unqualified—a man of sense or a man of no sense; for the poor man, it seems to be the opinion of the Legislature, that it does not signify what sort of judicature he has to decide his causes. To my mind no notions appear to be more crude than these. 40*s.* are of more importance to him than the sum for which the great man litigates: and the poor man contests not only for the sake of the sum at issue, but that he may not be subject to wrong and oppression; and he feels that oppression the more grievous and intolerable, seeing that it is an evil reserved for the class to which he himself belongs. It is not always for the sum disputed that he goes to law; he proceeds in resistance of wrong and oppression, and he sues as readily for 2*s.* as for 40*s.* In this frame of mind, then, he goes away from court as much dissatisfied as the wealthier suitor who has lost 1,000*l.*; and, give me leave to say, he has a right to be dissatisfied, and his is a dissatisfaction which will not be appeased otherwise than by a full supply of that justice hitherto denied him. I know these judges in the Courts of Request do good—I say they do good by comparison, better something of justice than nothing—it may be slovenly justice, but so precious a thing is justice, that I should rather have even slovenly justice than the absolute, peremptory, and inflexible denial of all justice. It happens that tradesmen, who know nothing of law, and who may not have much occupation in their own business, preside in these Courts of Request, and administer justice as well as might be expected. I say it is better to have these courts and these judges than to have none. There are 240 of those Courts of Request, with jurisdiction of from 40*s.* to 5*l.*; but that is not enough—the system of cheap justice must be more widely extended. I shall now advert to another prevailing error—that which goes to recommend the use of a local appellate jurisdiction, which is, I think, open to this, among other objections—that it would lead to one system of law for one district, and a different system for another. I may here step aside to observe, that I wish the appellate jurisdiction received more attention in the quarter that ought to attend to it than I find it does; and while upon this subject, I cannot help expressing a desire, with reference to Colonial appeals, that there were upon the Privy Council some Judges, who, by their knowledge of, and residence in, the Colonies, have acquired some acquaintance with their laws and regulations, instead of that body knowing nothing, as at present, of the feelings of the people whence those appeals come. I have thrown out, in passing, these few observations on the nature of the appellate jurisdiction, and the evils which in it seem to me to require remedy, although that branch of the administration of justice is not immediately connected with the question before me. While, however, I am on that part of the subject, I may as well say a few words on the nature of the appellate jurisdiction, as it operates on our brethren of Scotland, who have, in my opinion, very great reason to complain of the practice which sends them, in all cases of the last resort, to the House of Lords in this country. I do think that the anomaly which this practice presents in the case of our brethren of Scotland—an anomaly which has existed ever since the Union, affords them very reasonable ground of complaint; and the patience with which they have borne the evil of being compelled to bring all their appeals in the last resort to this country, and very frequently before men who were not acquainted with the peculiar nature of the Scotch law, on which the decisions of the lower court were founded, has always appeared to me quite unaccountable. Our neighbours of Scotland seem to be well aware of the nature of their rights, and to be by no means unwilling to enter into litigation, as, indeed, all persons are bound and have a right to do, who feel that they are wronged; and I confess, I can only explain their patient endurance of the evil I have described, and which must be so great an obstacle to their attaining cheap and substantial justice, by supposing it to have been owing to a concurrence of accidental circumstances. In the first place, there were not many appeals immediately after the Union; and in the next place, there happened just subsequent to the time, when appeals began to increase, to be a succession of Lord Chancellors in this country, who, to the very highest fame as lawyers at the English Bar—who, to a reputation paramount above that of all their cotemporaries, and which at once pointed them out as the more fit to be raised to such an eminence—added that other—it appears a most essential—qualification, a thorough knowledge of the nature of the practice concerning Scotch appeals, from having been for many years of their lives employed in them as Advocates before their elevation to the Woolsack. First, there was Lord Hardwicke, who in addition to the highest qualification for the performance of the duties of Lord Chancellor as an English lawyer, possessed the reputation of being thoroughly well acquainted with the law of Scotch appeals. Then there came Lord Mansfield, who, in addition to the highest name as a lawyer, was himself a Scotchman, and long employed as an advocate in Scotch appeals. Then there followed Lord Loughborough, who was also an eminent Scotch lawyer; and to these eminent men succeeded Lord Eldon —a man who, besides standing as high in reputation as an English lawyer as any judge since the times of Lord Coke himself; who, besides, I say, being marvellously-supereminently skilled in every branch of English law, added to his extraordinary acquirements, that of being prodigiously learned in every part of the law of Scotland, and had actually been employed for full fifteen years of his life in almost every appeal which was heard before the House of Lords. It is to a succession of these great men in England, as Lord Chancellors, that we are doubtless to look, when called on to account for the patience with which our brethren of Scotland have hitherto borne the inconvenience of the system of appeals. But if the time should ever come when a person should fill the situation of Judge in the last resort, who, to a moderate acquaintance with English law, gained his first knowledge of Scotch law from being called on to decide on the merits of an appeal from the decision of the courts of Scotland, then the anomaly would be seen in its full force; but the means of accounting for it would be gone. I cannot, indeed, avoid—let it give offence where it may—expressing my opinion on this occasion, that the nature of the arrangements, with respect to the disposal of Scotch appeals, is a subject infinitely worthy of the best, the most serious, and the earliest, consideration of his Majesty's Government. I have been somewhat drawn aside from the question before me by the observations I have felt it my duty to make on the nature of the appellate jurisdiction; but having said thus much, I shall now proceed to explain in what manner I propose to carry into execution the principles I have laid down, and to show how a tribunal may be constituted, through which the people of this country may be able to obtain that most desirable object, cheap justice, in the speediest manner, in a cause of a moderate amount. What I suggest then is, that there be appointed in each county, or district, as the case may be, a lawyer of a certain number of years' standing, who is to be the Judge in the last instance, in causes under a certain sum, and in the first instance, under certain regulations, in causes above that sum. In the first case, I would enable this Judge in all cases when the sum in litigation is under 10*l.*, to call the parties before him—to examine both the claimant as well as his adversary—to dispose of the claim—to give judgment—to award execution—and to specify the time when, and the amounts in which the instalments in furtherance of that execution are to be paid. Above the sum of 10*l.* I would give the parties power to go before the same Judge, who would be authorised to call on the adverse party to answer, both parties having power to employ professional assistance if thought necessary,—and to determine the matter in dispute by the examination of witnesses if he so think fit. I would limit the jurisdiction of the officer, or Judge I may call him, in this instance to the sum of 100*l.* in point of value, but I would not limit him with respect to the nature of the causes to be tried—for I would give him jurisdiction over all causes except those relating to freehold or copyhold property. I would give him jurisdiction in all matters of *tort*, as well as of debts, but I would make his decision in these cases open to appeal; it should be final in all matters of less than 10*l.*—open to review in all causes from 10*l.* up to 100*l.* I now proceed to show in what way I think the appeal from such a court should be managed, and I cannot but think that it would be a great relief to the suitors if this appeal lay to the Judges on circuit, and not to the superior courts of Westminster Hall. There might, however, be good reasons in some cases for not bringing the appeal before a particular judge going circuit, and I should therefore remedy that inconvenience by allowing the option of an appeal to Westminster Hall, with certain restrictions only as to costs. I would allow, therefore, an appeal either to Westminster Hall, or to the Judges on circuit; but if the party carried the cause to the more distant and expensive tribunal, I would allow the opposing party double, or, in some cases, perhaps, treble costs. I think it right to add, for the satisfaction of those professional Gentlemen who may hear me, that by these appeals—I mean motions for new trials in all cases where the Judge may have ruled a disputed point of law, or be supposed to have decided contrary to the evidence—in those cases I would allow a motion to be made to the Judge going the ensuing circuit for a new trial, notice being given to the other side that it is intended to make the motion, in order that he may be present at the Assizes, and have counsel ready to argue the case if he thinks fit. I do not mean that this is to be according to the practice usual in the Court of Common Law, in which the party, without notice to the other side, obtains a rule to show cause, and the matter is afterwards heard upon that rule being served on the other side, but I mean it to be according to the long established practice of the Equity Courts, where the notice is served before the hearing, and the Judge has an opportunity of knowing the whole merits of the case by hearing both parties on the first motion being made. I am now giving an outline of the measures which I think necessary to accomplish my object, but I have not yet mentioned the necessity of having recourse to Trial by Jury. Far be it from me to say that there are not many cases in which the trial by jury might fairly be dispensed with; but when in connection with the question of trial by jury, the name of Mr. Jeremy Bentham is forced on my recollection—a man whose merit as a philosopher, and as a benefactor of mankind is above all praise—a man who has the transcendent merit—I say it without hesitation—of being the founder of all legal reform, and who must go down to future ages with the reputation of having been the only great and effectual purifier of our judicial system—when I pay to him the tribute of my admiration and my gratitude for the eminent services he has rendered to his country, and to mankind during the course of his long, laborious, and useful life—I retract no praise, I qualify no admiration, when I say, in connection with this subject, that I am far from agreeing with him in the whole of those reforms which he has at various times proposed. I differ from him in degree—he going much further in some instances than I am disposed to go; and I differ from him also in the kind of reform which he proposes—but in nothing more than in that which he suggests with respect to trial by jury. I do not mean to say that he is an enemy to trial by jury, but I think he undervalues its importance in cases to which I believe it to be peculiarly applicable. On all points where conflicting testimony is produced—whenever many witnesses are examined—whenever a great variety of documentary and parole testimony has been produced—whenever the circumstances of the case are such, that no direct testimony can be brought forward to show on which side lies the truth—I say, then, that in these, and in all the variety of cases connected with them, trial by jury is of incalculable value in ascertaining to which party belongs the right in dispensing rigid and impartial justice. And I contend that there were never any means so perfectly well fitted to that end as the assembling twelve men of various habits—of different degrees of experience—of different kinds of feeling—of different forms of understanding, and bringing them all to bear upon the same case; and make their minds, however differently constituted, weigh the nature of the evidence brought before them. It may seem a little paradoxical; but it is true, that the making their concurrence compulsory has always appeared to me to be one of not the least important of the peculiar advantages of this method of trial. If the question before a jury were once allowed to be decided by a majority, then the result would be, that those who were anxious to get through the business would commence disturbing the deliberations of the others by just some such cries of "Question" as we sometimes hear impatiently urged in more polished and intellectual assemblies, and there would be no possibility of any question being thoroughly and fairly discussed. It may seem paradoxical, but I repeat that this kind of compulsory unanimity has always appeared to me to be a very great advantage. I have already said that I would give the tribunal I propose to erect power over all civil actions under 100*l.*; and among these I would have all actions for assault, for false imprisonment, and all cases of injury to property, all cases in which damages were to be assessed, all cases of tort, as well as debt decided by a jury; but there are cases in which I think that form of trial might be dispensed with; and I trust, if the plan I propose be not carried into full effect at once, that at all events I shall have the satisfaction of seeing an experiment take place in some parts of the country; and I can have no doubt that the effect will then be such as to lead to its universal adoption. I must say, however, that I have found it extremely difficult to determine what cases should or should not be left for trial by jury; not for want of attention—for I have long and frequently deliberated upon the subject—but I confess I am unable to specify precisely what cases should or should not be tried by a jury. In all cases under 10*l.* I think it may be left to the Judge immediately to say whether or not the case shall go before a jury. All cases above 10*l.* I propose to leave in some measure dependent on circumstances. The pleadings in a cause will now, by the suggestion of the Law Commissioners, be brought within a moderate compass. They will now, as of old, tell the very story of the plaintiff and of the defendant. They will tell what the cause is which is to be tried. The defendant will know what the plaintiff demands from him, and the plaintiff will know what is the real defence to the action. The commissioners, in their second Report, have recommended various alterations in the pleadings, and I have no doubt, that by the adoption of others better fitted to the local judicature, all difficulties in that way might be done away with. With the case then clearly stated in the pleadings, I apprehend there can be no difficulty in a Judge being able to say at once that this is a case that ought not to go to a jury: "I can decide it without their assistance" I would, however—although I permit the Judge to make this declaration—impose a restraint upon its exercise. If the Judge says there is no necessity for a reference to a jury, and if the parties themselves are willing to admit that it should not be referred to a jury, then I say no mischief can be done by allowing the Judge and the parties to dispose of the case in a manner which may seem most agreeable to them. Having now stated the kinds of action which I would allow to be brought in these courts, and having stated the nature of the judicature which I think Parliament are bound to give their sanction to, for the attainment of that most desirable object—the speedy, cheap, and convenient administration of justice—I now come to that upon which I shall be expected to say a few words; namely, the expense attendant on the system I would wish to introduce. That this Judge or Officer must be a man of skill, learned in the law, and of weight in his profession is beyond all doubt; and I think, therefore, it will be admitted that he ought to have a salary adequate to the rank he may hold. For this salary I am also ready to admit he should work constantly: the sittings should be at least once in the month, for ten months in the year. Six of these sittings should take place in the principal town in the county, and two in each of the two principal towns in the county, so that he may be able to carry redress to every man's door; and so that those who are situated in remote parts of the district may, twice a year at least, have an opportunity of bringing their cases before a competent tribunal, without going far from their own homes. In Ireland, the Assistant Barristers, a class of Judges instituted in 1796, and found of essential service to the country, and in Scotland the Sheriff Courts, have long acted without the intervention of a jury, on a principle resembling that which I now wish to introduce; and although I have not heard that any inconvenience has resulted from the practice, even when the sum in dispute has frequently amounted to 20*l.* or 30*l.*, yet I think it more eligible to have the benefit of a jury when it is considered desirable. I have said that the parties are to be at liberty to move for a new trial before the Judge on circuit. I think it necessary that the minor Judge should attend on such occasions; and that he should therefore be in the Commission of Assize. Sitting with the Judge, reading his report of the trial, when the point reserved comes to be considered, it must be highly advantageous to have his assistance in the course of the argument. That he should have no voice in the decision, experience and reason combine to satisfy us. I say it without prejudice to any of the judges, that though it has proved very convenient, when motions for new trials are considered, that the Judge who tried the cause should be present, yet the fact of that Judge having a voice in the decision, and sitting therefore to support it, although it may be erroneous (Judges sometimes are wrong) sitting, therefore, I say, to support his own opinion, to bolster up error, and to back the prejudices which he may have conceived at the trial, I know that it has operated injuriously, and does frequently lead to misdecision; and I have myself frequently witnessed cases in which I was morally certain the decision would have been different if the cause in which the application was made had come out of a court in which one of the Judges then sitting to hear the appeal had not presided. I repeat, therefore, that it is not consistent with experience to allow the new Judge to have a voice, although his presence may be of advantage; and I apprehend that these appeals, even when not carried into execution, will have an excellent effect in superintending, as it were, the whole administration of the law; and that they will have the effect of preserving the same law throughout the country, and avoiding those differences which might grow up, and which might give us one law here, and another there, if there were not some general tribunals to regulate the differences of opinion. I come now to the expense which must be incurred by this system. That these Judges must have competent salaries will be admitted, and that their court must possess an officer somewhat in the character of a registrar, an assistant-clerk, and one or two ushers, cannot well be denied, because, if we create these courts at all, we must do it in such a manner as to render them competent to the end proposed. Looking, therefore, at the expense in the most economical point of view, I think 1,500*l.* a-year would not be too much for the salary of such an officer. That he must be a man of eminence in his profession is plain; and so far from thinking that sum too large, I have some doubt whether it is not too little. Taking the whole expense of the whole of these courts on such a scale, and including all the necessary officers, I think it will amount to something about 120,000*l.* or 130,000*l.* a-year for the whole kingdom. Let those who consider this sum to be large, look to the amount which France pays for a cheap and convenient administration of justice. In France there are between 3,500 and 4,000 local magistrates scattered over the country, called *Juges de paix*, whose duty it is to decide on cases to the amount of 100 francs, which is about 4*l.* sterling, but looking to the difference in the value of money in the two countries, it may, perhaps, be more fairly estimated at double the amount. For this portion of the administration of justice, France pays the sum of 121,000*l.* sterling yearly. After these come the Courts of *Premiere Instance*, of which there are between three and four hundred for *Arrondissements*. The Judges of these amount to 1,600, and they are supported at an expense of 125,000*l.* a-year. Then follow the Courts of Appeal, which cost 70,000*l.* a-year; and lastly, there is the *Cour de Cassation*, being the court of ultimate appeal, the expense of which is 25,000*l.* a-year. The whole civil administration of justice in France, costs, therefore, something above 300,000*l.* a-year: the whole civil and criminal cost 525,000*l.* a-year. But again, considering the difference in the value of money and cheap living in the two countries, this may be reckoned at something not much short of 800,000*l.* a-year of our money. That France has thought unwisely,—that there is any price too high—any sum too great to be paid for a speedy and effectual administration of justice—and that we can possibly grudge 130,000*l.* or 150,000*l.* a year for the same inestimable advantage, I shall never believe until I am taught it by a vote of this House. Why, the 150,000*l.*, if it amounted to so much, really would not amount to one three-weeks of the extra expenditure of the last year of the late war.—I do not mean the ordinary expenses of the country, or the interest of the debt, or any other of the settled burthens—nor do I mean to say that we spent only 50,000*l.* a-week during that period of the war; what I say is, that we spent a sum in any three weeks of the last year of the war sufficient to have purchased in perpetuity the whole annuity required now for a cheap, speedy, and certain administration of justice. I do not mean to say that the functions of these officers are to be wholly confined to litigious cases. I conceive they can be employed with great effect as arbitrators, and that many causes can, by their assistance, be settled out of court, without the necessity of a trial. If it be allowed that the Judge appointed has merit enough to deserve the confidence of the Government, and therefore possesses the character of an able lawyer and upright man, then it must be admitted that he is as competent to decide between parties as an arbitrator, as any person who could be chosen. What would be so likely to satisfy parties disposed to enter into litigation, as that the same persons who were qualified to sit as Judges in their cause, should be empowered and prepared to act as arbitrators between them? Sir, there is still another subject on which I wish to say a few words; but as I am unwilling to trespass longer on the patience of the House, I will merely treat it generally and cursorily, I allude to Courts of Conciliation. The advantage which must result from an impartial man, deserving of consideration, talking a matter over calmly and privately with litigant parties; to tell a plaintiff that it was foolish for him to proceed, for that it was clear he must lose his cause—or tell a defendant that it was foolish for him to continue his defence, as he must be saddled with costs, must, it would appear, be occasionally attended with the greatest advantages. It is indeed the line which a good, a faithful counsel always takes when he is called upon for advice. Nevertheless, the fact is, that in several cases the experiment has failed. It has failed wherever the resort to Conciliation Courts has been compulsory. In France it has signally failed. M. Levasseur, a distinguished French writer on legal subjects, has stated in his *Manuel* that the cases of reference to a court of conciliation, in which the differences between parties have been amicably settled, were always extremely rare, and that of late years those courts have become a dead letter. In the Netherlands and in Holland the same thing has been experienced; so much so, that it is not intended to renew those courts in the remoulding of the tribunals of those countries, which is at present going on. I understand, however, that in Sweden the result of the establishment of courts of conciliation has been more favourable. In Denmark the advantages have been greater than any where else; and there I understand it is left optional with the parties, whether or not they will settle their cause by conciliation. In Switzerland, from which country I have the most authentic information, the experience of two districts has been different. In the one, in which it has been compulsory on contending parties to go in the first instance before the court of conciliation, and to receive the advice of the Judges of that court, being prevented ftom commencing an action in a court of law without the previous possession of a certificate of non-conciliation from the first court, the cases of benefit have been few. But in Geneva, where the resort to the court of conciliation is more of an optional nature, I find from returns which I have received for three years—1825, 1826, and 1827—that from one-third to one-fourth of the whole of the actions brought into the court of conciliation have terminated either by withdrawing the proceedings or by the conciliation of the parties. I do not exactly know what proportion the one of those modes of termination has borne to the other; but I imagine that they are nearly equal, and consequently, that from a seventh to an eighth of the cases brought into the court of conciliation, at Geneva, has been settled by the conciliation of the parties: but then it is if the parties please to bring them. It is not compulsory on either party to do so. When, however, the cases do come before the court of conciliation, the result has been that which I have described. Such being the fact, I have a right to maintain that this is no impracticable measure; I have a right to maintain, that the suggestion to establish similar courts in this country is a suggestion founded on the success of those courts elsewhere. I propose, therefore, to add to the functions of the new Judge the power to call the parties, if he please, before him,—that is, if one party be desirous, and the other has no objection,—that he, as a Judge of conciliation, should be empowered to hear and determine the matter. I will tell the House why I regard this measure, which is founded on sure and practical experience, as desirable. Why is it that we frequently find a man go into a court of justice with a case which turns out to be wholly unsupportable?—Because he has, more or less, been misled by advice: not frequently by his barrister; not frequently by having received from his counsel an opinion, that an action is maintainable which is not maintainable. God forbid that I should suppose any such thing. I well know that a counsel is more apt to dissuade from litigation than to encourage it; that he is disposed rather to throw cold water upon a litigious disposition—to express doubts, where there seems the slightest foundation for them. This I well know to be the common course of the profession, in at least ninety-nine cases out of a hundred. I need hardly say, that it is the course adopted by all respectable men; I need hardly say, that where it is not adopted, the man is not respectable. But, Sir, great as is my leaning towards the profession of the law—highly as I estimate the honour, the integrity, and the other valuable qualities of the great mass of its members—sincerely as I believe that instances of a departure from just principle are exceedingly rare among them, I will not say that there are no such departures even in that branch of the profession to which I have the honour to belong. I will not say that it is absolutely impossible to find a man at the Bar who may occasionally give an opinion, the effect of which is to encourage his client to proceed, when he ought to give an opinion, the effect of which would be to discourage him. Still less will I say, Sir, that there may not be found men in the other branches of the profession who will go to such a man to get that identical opinion; and who, if they do not succeed in getting it, will substitute an opinion of their own, and tell their client he is sure to gain, what they ought to know, and what they do know, he is sure to lose. This I know, that men come every day to consult counsel, and that when those counsel have heard their case, they lift up their hands and eyes, and wonder who could have advised them to go to law. It does happen in some instances that parts of a case are kept back from a counsel. Now, in all cases, the man who is the most ignorant of the chances of success or failure is the unfortunate client, who it is not surprising, therefore, is sometimes enticed to go on by those who should put him upon his guard, and is dragged, or to speak more accurately, is coaxed into a court, until he finds too late that he has been deceived. The men who deceive their clients ignorantly and unwittingly are, perhaps, not a few; the men who deceive their clients wilfully and knowingly are, I hope, very few. But my respect for those branches of the profession which comprehend solicitors and attornies, any more than my respect for my own branch of the profession, will not allow me to deny that cases are frequent where an attorney will draw his client on to a desperate and uncertain litigation, and also frequent where an attorney will involve his client in a suit which he well knows he must lose. In such cases, if the client could only be seen and talked to by men of knowledge, integrity, and station, apart from his attorney; and if he could be told that his case either was one of a desperate character, or was one in which he must be inevitably defeated, I am persuaded that the utter ruin of the client would often be averted. This, Sir, is an opinion founded on reason, and founded also upon observation and experience. I am convinced that the appointment of persons of great knowledge and integrity, to whom such a reference could be made, would be attended with the most beneficial consequences. I am convinced that the appointment of local Judges, for this and the other purposes which I before described, would give cheap justice to the whole country. Whether or not my opinion on that subject will be the opinion of those whose opinion is most influential in this House I do not know; but this I know, that they who reject my proposition are imperatively called upon, by the state of existing circumstances, to point out some other proposition, the adoption of which may be productive of equal benefits. I care not for the names of institutions; nothing is so useless, or indeed absurd, as to preserve the name of an institution when its substance has disappeared. Let them, therefore, call their proposed institution by what name they will—let them arrange the details of that institution as they will—that it is imperative upon them to propose something—that the circumstances of the present time are so exigent, that we can no longer go on without an extensive amelioration of our legal system—are facts, of the reality of which I am not less persuaded than I am of my own existence, or that I stand here addressing the House of Commons. Sir, the people have a right to this amelioration—they are crying out, they are impatient for it. It is for want of it that they distrust the intentions of Government; it is for want of it that they distrust those who are desirous of introducing other descriptions of reform. Sir, I have heard it said, when any one has raised his voice against abuses, that he was clamouring against our existing establishments; that he was attacking our venerable institutions; that he was endeavouring to subvert the ancient law of the land: but I clamour against neither, I only join with the general voice in clamouring against an enormous abuse. And, Sir, that where there is abuse there ought to be clamour; that voices ought to be raised where grievances prevail, is a principle for which I have no less an authority than that of Mr. Burke—no friend of popular commotion, no inciter of popular delusion, no hot-headed and visionary reformer, no impugner of the wisdom of our ancestors, no foe to established institutions. Mr. Burke has said, in words that deserve to be inscribed in letters of gold, over the door of every legislative assembly —"Where there is abuse there ought to be clamour. It is better to have our slumbers broken by the fire-bell, than to perish in flames in our beds." Sir, in my attempts to produce some beneficial change in these matters, I have been exposed to two classes of antagonist objectors. By the one who have no objection to clamour I have been told, that the reform I propose is insufficient, unavailing—that it is merely a mock reform. From others I learn, that what I propose is rashly dangerous, that I am reckless of consequences, that I shall risk institutions which are the objects of the attachment and veneration of all good men. I deny both the one and the other of these imputations. As on the one hand I have no intention to confine myself to a nominal reform, so on the other hand, I am satisfied that what I do propose will not endanger any thing which deserves to be preserved. I disregard the condemnation of those who do not know my motives; but, above all, I disregard the base slanders of others, some of whom, I will venture to say, are perfectly conscious of the falsehood of the charges which they launch against me. Because I have not proceeded more rapidly in the course which I have prescribed to myself, because I have not proceeded in it hastily, because I have not proceeded in it rashly, I have lived to see myself charged with being engaged in a secret and corrupt league with those who are fattening by the abuses which I am anxious to abate; and engaged in it from the desire of promotion! I have been so charged! I!—I!—who had refused the very highest judicial stations, and refused them because of my principles—I! who at the very moment when these infamous slanders were propagating upon political and public principle, far more than upon personal considerations, was taking effectual steps to prevent the renewal of such offers. But did I regard the slander? Was I silenced by it? Did it make me change colour? Did it make me falter in my course?—Not I indeed—

> "False honour charms, and lying slander scares,
> Whom? but the false and faulty."

It has been the lot of all men, in all ages, and all countries, who have aspired to honour by endeavouring to instruct or benefit mankind, to have their path beset by real adversaries or false friends. By the one no quarter is shown them; by the other no kind or charitable construction is put on their actions. They are placed in this dilemma, if safe and prudent, they are held up to ridicule as feeble and insincere —if bold and firm, to execration as rash. But truth will survive when calumny has had its day. For my own part, I have regarded with equal indifference the censures of those who have thought me too hot and rash, and of those who have thought me too cold and slow. I acknowledge the great truth—"Woe unto you when all men shall speak well of you." Whether, however, I may be considered too timid or too adventurous, I shall go steadily forward, pursuing the principles which have been laid down for us by those who have gone before us, and who have left us their example and their success; the one for our imitation, the other for our encouragement; in the hope that I may be eventually able to establish the system of local jurisdiction, that is of cheap and speedy justice, from which I expect benefits so unspeakably valuable to the country. I now move, Sir, for leave to bring in a Bill to establish Local Jurisdictions in certain districts in England.

The *Attorney General* said, he did not rise to oppose his hon. and learned friend's Motion, but to make a few observations on what had fallen from him in the course of his able and eloquent speech. In the first place, he begged to disclaim any participation in the charges which his hon. and learned friend stated had been brought against him for the course which he had thought proper to pursue. Though he was not aware that any such reproaches had been cast on his hon. and learned friend, he was sure that no man in the House was less deserving of them, or more deserving the gratitude of the country, on account of his zeal and discretion in promoting reform, than his hon. and learned friend. The House would not expect that he should follow his hon. and learned friend into the ample field which he had entered on the present occasion, more particularly as he did not come prepared, by the terms of the notice, to hear so profound and learned a discussion. The proposition submitted to the House appeared to him very important, and he thought it was due, both to the subject and to his hon. and learned friend, to allow him to introduce his Bill. His hon. and learned friend's object appeared to be, not to alter, but to add to the Constitution; and to add to it by reviving ancient institutions, which ancient institutions his hon. and learned friend considered indispensable to meet the exigency of the present times. In all that his hon. and learned friend had stated respecting the history of Sheriffs' Courts, he entirely concurred. He went further than his hon. and learned friend, however, and would advert to the courts which were held by Lords of Manors. In fact, in remote periods, the whole face of the country seemed to have been divided into small local jurisdictions. Was it not probable, however, from their discontinuance, that they were found to be less advantageous than his hon. and learned friend supposed? Was it not probable that these petty local jurisdictions were found to be beset with inconveniences and prejudices? Would it not be very difficult to obtain, in such limited districts, either impartial juries or impartial judges; advantages which our present system secured to us? The more uniform our law was, undoubtedly the better. He was far from saying that much was not wanted to meet some of the cases to which his hon. and learned friend had adverted. He was a warm advocate for new tribunals, if necessary, or for an amendment of the old, in order to uphold the cheapest and most efficient administration of justice. Some years ago he had himself brought in a bill which met with the approbation of his noble friend opposite (Lord Althorp), who had distinguished himself so highly on subjects of this nature; and of his right hon. friend near him (Mr. Peel), and which had passed that House—for placing the County Courts of the County Palatine of Lancaster on an improved footing; and for facilitating the administration of justice in them. At that time he had stated, that if the bill were adopted, and proved salutary, it might be made a model for amending the County Courts throughout the kingdom. The proposition of his hon. and learned friend, therefore, though of great importance, was not altogether novel. In many of the principles which had been laid down by his hon. and learned friend, he entirely concurred, and in none more cordially than in his adherence to Trial by Jury. Whatever philosophers might say, he trusted the people of England would never depart from that institution. It was the best tribunal ever devised for determining on litigated facts, and awarding compensation for injuries; it placed the powers of administering justice in the hands of the people, and to part with it would be the first step towards the abandonment of all their civil and political privileges. How were local jurisdictions to be reconciled with having impartial juries? He did not make this remark as an objection to his hon. and learned friend's Bill, but to call his attention to the difficulty of applying it, consistently with the preservation of Trial by Jury. So far from his being influenced in his remarks by any fear of subverting ancient institutions, he should be ready to concur in whatever he could find of real and practical benefit in the proposals; and he was equally as far as his hon. friend from any disposition to yield to any clamour that might be raised on the subject. He however maintained, that the possession of a thing, until it was found inconvenient, was itself an advantage, and change, for the mere purpose or sake of change, was never to be desired. To seek practical good without the least regard to those who cried out against a subversion of ancient institutions, and against change, was his own fixed determination. In the state in which the House was, he could not be expected to follow his hon. friend through his laborious, long, and meditated discussion. Suffice it to say, that he rose to support the proposition, at least as far as respected an examination into the measure.

Mr. *Cutlar Fergusson* said, that his hon. and learned friend had prefaced his admirable address by an apology to those who had acted with so much credit to themselves in the commission of law inquiry, and stated, that he had taken up this subject because they had not touched upon the points which formed the main subject of his address. It was not competent for them to enter into the subject of any new courts, but to examine into the old; their attention being solely confined to measures for improving the practice of the superior courts of law. In their second Report those learned persons had made several suggestions for improving the practice in the common-law courts, to which, if the learned Gentleman opposite (the Attorney General) would turn his attention, he would find that they would tend much to render the practice in those courts more efficient, and less expensive than at present. He concurred with the learned Gentleman as to the general principle of the measure which he proposed to introduce. The proposition was, not to supersede the jurisdiction of the superior courts, but to devise a means to administer more readily justice to the people. The poor had a right to have their questions litigated before the same learning and the same ability as the rich; and it was, therefore proposed, that a Judge should be appointed in every county, perfectly capable of deciding, by his habits and his learning, the various causes which might be brought before him, with benefit and satisfaction to the public. There never had been, in any country, so equitable an institution as the Sheriffs' Courts in Scotland. The only fault now to be found with them was, that they had adopted the machinery which encumbered the Court of Session itself. With one proposition of his hon. and learned friend he could not agree. Part of his plan was, that the Sheriff should be obliged to reside within the county. If this were to be enacted, the House had discussed with little advantage the question of Welsh Jurisdiction, where the objection was, that the Judges officiated where they acted on circuit as Barristers, and where they were necessarily intimate with certain persons, and in some measure dependent on them for employment. The less the Judges resided in the county where they dispensed justice the better. He conceived that the Judge who should be appointed to each particular court which it was proposed to establish, should not have his business confined to it, but he should be permitted to attend to the business that was done, and the precedents which occurred from day to day, in the superior courts, in order that he might shape his judgments according to them. If that were not the case, they would see Judges deciding differently, and putting forth contradictory precedents, because they had no means of knowing what was decided from day to day in the courts at Westminster Hall. The hon. Gentleman proceeded to advert to the observations which had fallen from Mr. Brougham, as to the manner in which appeals from the decisions in the courts in Scotland were decided in the House of Lords. There never had existed, he said, a court of appeal in any country where the men who had to pronounce judgment in the last resort, were without any knowledge of the law on which they had to decide. The Peers and the Privy Council took upon themselves to decide upon questions of which they knew nothing, and which had been previously decided by persons fully competent to the decision. The Privy Council, he knew, had in ten or fifteen minutes reversed the decisions of Judges who were at least as learned as any of the members of the Privy Council, and who had only pronounced a judgment after deep research and long deliberation. He had known cases remitted back to India, at a vast expense, which had previously been decided by Judges conversant with the law, in conformity to all precedents, and which, in the opinion of every lawyer acquainted with India, ought never to have been sent back. This was a subject of great importance, and in his opinion, the tribunals of the last resort required great amendment. Cases of appeal should not be decided by the Lord Chancellor, with the assistance of two Lords, who took the case in rotation, hearing on one day the proceedings, whilst other Judges heard them on the next; thus leaving the case to be decided by rotatory Judges, not one of whom heard the whole case through. There could not be a more able judge than the nobleman who now held the Seals; but there ought to be associated with him, in cases of appeal, some persons who understood the law of Scotland. He had known the unanimous decision of all the Judges of the Court of Session to be overruled by two or three Peers, and overruled by an appeal to the law of England, which was totally dissimilar to the law of Scotland. He was determined to bring this subject before the House, on some favourable occasion, by a special motion. He was ready to acknowledge, that the right hon. Gentleman opposite (Mr. Peel), had not only done good positively by his measures, but relatively, by affording support to the Law Reforms proposed by others. Twenty years ago, any Gentleman who had proposed such alterations of the law as had lately been effected, would have been stigmatised as a Jacobin. Until the right hon. Gentleman was in office, the country had heard nothing but that the laws of England were the envy and admiration of the world; and yet, in all the reform propositions of the right hon. Gentleman, he came forward to show the opprobrium of the law, which, instead of being the envy, was the ridicule, not only of nations, but of all foreign jurists, and of all persons capable of forming an opinion. There could be no better method of improving it than that of bringing justice to the doors of the people, and he was disposed to let the Local Courts take cognizance of cases to the extent of 100*l.* He should certainly, therefore, give his cordial support to the Motion.

Mr. Secretary *Peel* only wished to address a few words to the House upon the main subject under consideration. It could not be necessary for him to say that it was not his intention to offer any impediment to the introduction of the Bill proposed, for he had placed on record his concurrence in so much of the principle and detail of the proposition, that it was quite impossible for him to dissent from the Motion, though the hon. and learned Gentleman's plan differed in some respects from the considerations he had submitted to the House. The hon. and learned Gentleman went farther than he had been disposed to go, but both measures were based on the same principle; and in the principle of the proposition he cordially concurred. The time had arrived when it was desirable to facilitate the recovery of small debts, and bring justice in this respect as near as possible to the homes of the people. Expenses should be lessened, and he felt no objection to the establishment of Local Courts. He was aware of the objections which applied to exclusive and corporate jurisdictions, but it would be very easy to establish Local Courts to execute the general law of the land, and to steer clear of the evils which applied to local jurisdictions guided by local rules. Much had been said with reference to the inexpediency of cheap justice. If by cheap justice they were to understand bad justice, he acknowleged that nothing could be a greater evil than to make that cheap; but the introduction of cheap and good justice was not open to the objections by which cheap and bad justice might be assailed. He was well aware that it was desirable to keep down a litigious spirit amongst the population, but there was much less evil in that, than in a total denial of justice, for the purpose of preventing such a spirit. It was difficult to define what was a litigious spirit. The sums trifling to one man might be important to another, and he who appealed for the recovery of his wages, the amount of which might appear to some of little concern, might feel the loss of seven or ten shillings more severely than those who legislated might feel the loss of 100*l.* There was as much reason to facilitate the recovery of a just debt of a few shillings as of 100*l.* It was a grievous injury to the poor, if they could not recover small sums on account of the expenses of the suit; and to measures for facilitating the recovery of such sums, he was decidedly a friend. He would tell the House what was worse than a spirit of litigation; it was that spirit of discontent which was engendered by being told that the injured had no protection, and no alternative but an acquiescence in injustice. He hoped he might be allowed to refer to the bill for the Recovery of Small Debts which he had introduced last Session. It was entitled "A Bill for the more easy Recovery of Small Debts in England and Wales, and for the establishment of Local Jurisdictions for that purpose." Although his bill did not go to an equal extent with the Bill now proposed to be introduced, yet there was not a single clause of it that might not be inserted in the Bill of the hon. and learned Gentleman, consistently with the principles of his speech that evening. He (Mr. Peel) took no credit to himself for introducing that bill, for the merit of it was entirely due to the noble Lord opposite (Lord Althorp), and it was only because the bill could not be brought forward with sufficient advantage by any but an official person, that the noble Lord had delivered over to him the task of proceeding with the measure. He would beg leave to mention a few of the details of his bill, to show how far they agreed with those of the hon. and learned Gentleman. He would first say, that he had a great objection to the establishment of new tribunals, if the purposes for which they were intended could be accomplished by improving the old tribunals already in existence, and making them more conformable to the spirit of the times and the wants of the country. If, in such a case, it were possible so to improve the old tribunals as to meet the ends which the House had in view, it would have all the advantages attendant upon them which were derived from prescription and name. There already existed in this country an institution called the County Court, which was capable of answering many of the objects of the new tribunal. He would propose to improve that court by giving to it a more extensive jurisdiction, and with that view, all that his bill intended was to increase the powers and jurisdiction of the County Court. The names of these courts were familiar to the people of this country, and would claim for them a greater influence than if the House were to establish new tribunals. If, moreover, County Courts were not specially abolished, they would continue in existence, and there would be two separate jurisdictions. All his bill had proposed to effect was, to increase the amount of causes in the County Courts from 2*l.* to 10*l.* He agreed with the learned and hon. Member in excluding from the County Courts all cognizance of cases of freehold. The County Courts were held at fixed periods, and he had specified the smallest number of Sessions which should be held; but with reference to the extent of different counties, there was a great difficulty in introducing any general measure which would suit the circumstances of all counties, and therefore he had given the Quarter Session the power of dividing large counties into different districts, and of specifying where County Courts should be held. The magistrates of the Quarter Sessions could require the Judges of the County Courts to hold their Sessions more or less frequently, if they thought that necessary. He had allowed by his bill parties having cause of action above 10*l.* to waive their right to the surplus, and to proceed in the County Courts for the remainder. He had proposed that both plaintiff and defendant should be examined in open court, and no objection should be made to a witness on the ground of incompetency, leaving his credibility to be judged of by the jury. He had required the Trial by Jury, but he doubted much the necessity of unanimity in their decisions in these courts. He believed that persons in the County Courts at present acting as jurors, decided cases without coming to a unanimous decision. The question then was, whether the majority of the jury should not, in the proposed measure be made capable of deciding whatever case was brought before them. This was a question for future and grave consideration. If unanimity were to be required on the part of the jury, the right of challenging them should then be allowed, and that was a machinery of rather a cumbrous nature, which he thought it would be well to exclude from such courts. He (Mr. Peel) also proposed to give this court the power to order the defendant, in case the suit was decided against him, to pay the amount awarded, if the court should so think fit, by instalments. He did not propose that in a case where an honest defendant was anxious and willing to pay out of the earnings of his labour, that he should be driven at once to execution, but he would afford him time to satisfy the demand awarded against him. Another provision he had made was, that in no case should the remedy lie against the person, but against his property, and he proposed that execution against the property should issue in whatever county it might be situated. Nothing could be more simple than the process by which these provisions were to be carried into effect. [Here the right hon. Gentleman read from the draft of his bill the wording of the plea, which was confined simply to the cause of action, the defendant being limited to a denial of the debt, or a proof of payment.] The fees of Court were limited by a table in the Appendix, and a debt of 10*l.* could be recovered, so far as the Court was concerned, for the expense of 4*s.* or 5*s.* The expenses of witnesses it was impossible to regulate by any such means, and they would remain the same as at present. The greatest difficulty had been, to deal with the courts of exclusive jurisdiction in corporate towns. He had not abolished these, but he had given to the County Courts a concurrent jurisdiction, being perfectly sure that the cheaper and better process in the new courts, would induce all persons to resort to them, and that the exclusive courts would die out of themselves. The greatest remaining difficulty was, who should be the Judges, and from whom the appointment should proceed; for objections had been made to increasing the patronage of the Crown. If the residence of the Judges within their counties were a *sine qua non*, the appointments would be objects of local patronage: but if resident, a lower salary would tempt them to accept office; and the whole object might be effected at a smaller sum than had been imagined, and certainly at much less than 130,000*l.* a year. It was not necessary that the expense should altogether fall upon the Consolidated Fund; for the fees, though not taken by the Judges, would form a fund, out of which their salaries might be paid. As to the tenure of office, the question was, whether the Judge should be a local barrister or not? If he were a practising barrister, his practice in the superior courts would give him a knowledge of the daily progress of the law, which is improved as science advances; and to make him acquainted with every improvement must be esteemed a great advantage. Besides, his residence in that seat of law from which its ramifications, as the hon. and learned Gentleman had truly stated, extended to all parts of the empire, must also be considered as a circumstance which would entitle him to greater weight in the court in which he presided, than he could otherwise hope to possess. He thought he had now said enough to show that degree of concurrence in the proposition of the hon. and learned Gentleman, which would naturally preclude him from any other course than that of voting for his Bill. He trusted he might be allowed to consider himself the associate of the hon. and learned Gentleman in these reforms, and he accordingly most cheerfully offered him his assistance; and if the hon. and learned Gentleman's Bill were such as would enable him to dispense with his own, he would most heartily rejoice in such a conclusion of his labours.

Lord *Althorp* remarked, that the difficulty attending his hon. and learned friend's proposition was peculiarly this, that a Judge ought always to act in the face of a large and intelligent bar; for thus was a pure and correct administration of justice best secured to the suitors in a court. The suggestion of an appeal to the Assizes, from the decision of this local Judge, was different from any he had ever heard, and he thought it presented many advantages. It was not an expensive appeal; it was within the reach of any of the suitors; and the consciousness that his decisions might be examined and revised by the Judge of Assize, was likely to exercise a salutary influence upon the local Magistrate. It would prevent partiality, and even the suspicion of partiality, from the Judge being in the neighbourhood, and removed all the objections which had been made to the plan, from its analogy to the Welsh system. He was of opinion that this Judge ought decidedly to be a practising barrister; and he thought, that the disadvantages which might result from any diminution of practice would be recompenced by the reporting of cases to the superior courts, by which his knowledge of the law, as it actually stood, would be always kept alive. For these various reasons, he trusted the objections offered to his hon. and learned friend's measure, would not be found insurmountable. There was another point of the plan, which, in his mind, was of great advantage—namely, the establishment of Courts of Conciliation, in which the Judge was to act as arbitrator. From his own experience of the duties of a Justice of Peace, he could undertake to say, that infinite good might be done by this Judge's delivering those opinions, which might prevent people from proceeding with their quarrels at a great expense. And he thought, that if such a measure could be introduced into the Session Courts, it would be attended with the greatest advantages.

The *Solicitor General* acknowledged, that the evils arising from a variety of practice would be mitigated, by an appeal to the superior courts; but in most advantages there was some corresponding evil; and here it was evident that the poor suitor would not be able to prosecute his appeal, and therefore, that the administration of justice would not be altogether equal. He had already expressed his opinion against Local Courts, and he saw no reason to change it; still he had no objection to these Local Courts for the recovery of small debts. But then, as under all circumstances, the jurisdiction must be local, and therefore the Judge would be resident. Now this would at once let them into many difficulties. The Judge could not be a practising barrister, because, if he attended to his judicial duties, his practice must dwindle away; and if the contrary, his judicial duties must be neglected. In the next place, it was to be considered, that this officer would, if he might be allowed the expression, degenerate from year to year. And with respect to the appeal to the Judge of Assize, with whom he was to sit during the hearing, he thought nothing could be more objectionable, because nothing could more strongly tend to lower this local Judge in his own opinion, or in that of the persons amongst whom he administered justice. For suppose that any unfortunate gentleman, acting in this capacity, had fallen into errors, and that his hon. and learned friend were the superior Judge to explain to him what the law of the case was, in what a pitiable situation would not this local dignitary be? As to the amount of salary, he was of opinion it could not be less than 1,500*l.* a year; for if this Judge were not a man capable of deciding important cases, he would be utterly useless; and a gentleman of such capabilities could not be expected to abandon his practice for a small consideration. He next contended, that a local Judge was objectionable, because it was impossible, from the fact of his residence, and from the habits of society he must form, that he could escape the charge of partiality, however unjust it might be, when the interests of opposing parties happened to be compromised. He also objected to his acting as arbitrator, because, after having given parties in this character an advice respecting the point of law which they were not bound to pursue, in what situation would he afterwards find himself, when this very case was brought before him? Would he not be actually a legislating party? Besides, he never knew a case in which an arbitrator gave satisfaction, since he was always rather disposed to cut the knot than to unravel it. And again, it was to be remembered, that he could do no good unless the parties altogether unlocked their bosoms to him; under which circumstances the future Judge would know too much. And lastly, it was to be considered, that acting as an arbitrator was likely to damage a man's judicial mind. In answer to the hon. and learned Gentleman, who had stated that the administration of justice by the Privy Council was a mockery, he observed that the Master of the Rolls attended at the sittings of this body, and that during the time of Sir William Grant, their decisions had excited the admiration of the empire. If, however, a better system could be devised for regulating the judicial concerns of the Colonies, he had no objection to receive it, but he decidedly objected to the application of such terms, when they were entirely undeserved.

Mr. *Fergusson* explained, that he had a high sense of the talents of many of the Judges who sat in the Privy Council, but he thought it was a mockery when men professed to decide according to a law of which they were ignorant.

Mr. *O'Connell* said, it was late, but as the subject was one of vital importance, he trusted he might be allowed to offer a few observations to the House. The alterations proposed by the hon. and learned Member were of undoubted utility. Their object was, to bring home justice to the door of every man in the country. Locality of jurisdiction ought to be sought for by every body. The Judges of these local Courts ought to unite the powers of arbitrators and conciliators with their judicial authority. In his opinion, these Judges ought not to be practising barristers. The great objection to the local Judges in Ireland was, that they were practising barristers; and he thought it was unfit that men should be as Judges deciding on causes one day, and the next taking fees as advocates. He thought that was a bad principle, and ought to be avoided. The right hon. Gentleman opposite had spoken of the necessity of Judges residing in the metropolis, in order to keep up their knowledge of the laws. If there was any such necessity, it resulted from the want of a fixed code of laws. From the variableness of our present system of laws, our Judges were like a fashionable lady, and were obliged to study from day to day the varying changes of the mode. We had nothing but Judge-made law, and it was therefore never fixed in its principles. It was certainly a miserable thing that law should shift and alter in such a manner; but that it would always do unless we had a code. It was the glory of Bentham that he had been the first and the constant advocate of a code. The hon. and learned Gentleman had praised Mr. Bentham; but even his eloquence failed in conveying the praise that was justly due to that great philosopher. Besides, he had only praised Bentham for the machinery with which he proposed to carry on the system of law, and that was among the least of his great merits; for no alteration in the machinery of the laws would cure the evils now existing, without the making of a code. He agreed in the propriety of doing away with all objections to the competency of witnesses, and leaving only those to their credit; for objections to competency always prevented the decision of a case on its merits. What was it but these technicalities that prevented men of common sense from conducting their own cases, and compelled them to apply to those conjurors of the law, who, by a constant acquaintance with the magic of its forms, were enabled, if not to get them over its difficulties, to put 10,000*l.* or 20,000*l.* a year in their own pockets. To pretend to make law reforms, and not to make a code, was like leaving out the part of *Hamlet*, "by particular desire." The improvements made in the law by the right hon. Gentleman opposite were themselves so many parts of a code. His principles were clear and plain; and it was only to be wished, that he could persuade his colleagues to bear him through all the alterations he must find it desirable to make.

Mr. *C. Wynn* approved of many of the principles laid down by the hon. and learned Mover, but could not entirely agree with all his suggestions. Much had already been done, and more might be effected; but every thing could not be gained now and at once. The right hon. Gentleman, the Secretary for the Home Department, to whom he was happy to have that opportunity of expressing his obligations, was the first Minister of this country who had opened this career of improvement, and he trusted it would be followed until the whole body of the law was reviewed, and all necessary and proper alterations made in it. That was the only method of legal reform our institutions would permit. They could not be changed at once, but must be modified in detail as necessity required. The hon. and learned member for Clare had complained of what he called the constant alteration of the Judge-made law, but no codification could prevent that evil; for though the clearest rules might be laid down, it was impossible to make them applicable to every case that might arise. Their application must depend too on the individuals who administered the law. That was shewn to be the case in France.

Mr. *O'Connell* said, they had no code in France, it was only half a code.

Mr. *C. Wynn* answered, that there was a code, but it did not meet, and it was impossible to make a code to meet every case. He was opposed to the establishment of local tribunals, for he feared the operation of partialities and prejudices on the minds of the Judges who must compose such tribunals; besides which, the want of emulation would operate powerfully upon them, for whether one of these Judges did well or ill he was not capable of advancement, and the system would not produce any eminent men.

Mr. *Ewart* expressed his obligations to the hon. and learned Gentleman who had introduced the Motion.

Mr. *Brougham*, in reply, said, that many of the observations which had been addressed to the House upon the difficulties of his plans were entitled to considerable attention. Many things had been suggested as objections which he had before considered, and the result had been, that in some instances he conceived he could propose amendments which would obviate the difficulties, while in others he admitted he had not satisfied himself that he had any sufficient remedy, and indeed, he feared that he had but a choice of evils. One difficulty was the residence of the local Judges. That gravelled him the most of all. At one time the appointment of the Judges troubled him much. His difficulty was in vesting so large a patronage in the hands of the Executive Government; but the benefits of the measure he proposed were so great as to outweigh or over-balance the disadvantages of such an increase of patronage. As to the other point, he confessed he had but a choice of evils. The Judges must reside on the spot, but there were one or two circumstances that mitigated the effect of the evils of such a residence. They would not have to decide on causes arising among the society in which they moved. They would not have to try the validity of wills—they would not have to decide on great questions between persons whom they met in society;—they would only decide on horse-causes, petty assaults, and cases of common slander. The disputes between landlord and tenant would be under their jurisdiction, and this class of cases would certainly be an exception. In this respect, as in others, it might become a choice of evils; but he was not sure that the benefits of the plan could be at all counterpoised by its disadvantages. Something had been said of the Sheriff's Courts in Scotland, and Gentlemen might, perhaps, fancy that the evils which were sometimes said to result from the constitution of these courts would arise from the courts he proposed; but he thought the different manner in which they were to be formed would obviate that objection. The source of the inconvenience in Scotland was easily explained. The Sheriff-depute was generally a barrister of some eminence, or a person of some distinction in society, while the Sheriff-substitute, who decided the case in the first instance, was generally a writer, living on the spot. From his decisions an appeal lay to the Sheriff-depute, and all the arguments, and pleadings, and depositions of the witnesses being in writing, whenever a decision was appealed from, these voluminous papers had to be transmitted to Edinburgh, where the Sheriff-depute generally resided, by the coach or the waggon. There being no person to overlook the Sheriff-depute, he not examining the appeal in any open and public court, it sometimes happened that he did not read over the depositions with the greatest care. In fact, he sometimes did not read them at all, being in general, content to affirm his substitute's decision. It appeared, in fact, from an extensive examination, that only one case out of 117 was reversed. Some anecdotes which he had heard on this subject might be worthy of the attention of the House, particularly as he could mention them without any allusion to the names of the parties. To one Sheriff-depute a whole bundle of papers was transmitted at one time, being twenty or thirty processes, the accumulation of a month or six weeks' trials; and he affirmed every decision. The mode of doing that was, to write the word "Adhere" on the back of the decision, meaning that he adhered to the judgment of his substitute. But it so happened, that in one of the cases remitted to him, no decision had been given; and in this instance, the same principle was followed as in the other instances; and the word "Adhere," written on the back, plainly proved that the Judge to whom the appeal was made had not taken the trouble to inquire what the appeal was about; for in this case, there was no decision to adhere to. On another occasion a rose was placed within the folds of the papers in such a manner that they could not be opened without shaking it to pieces; but when they were returned, with the usual word written on them, it was found that the rose leaves had never been ruffled. Such things were much talked of in Scotland, and deserved consideration; but it would be obvious to the House, that in the courts he proposed, no such occurrences could take place. The appeal lay to a Judge of Assize, and must be made by *viva voce* pleadings in open court. He would not enter further into the objections which had been started, as there would be future opportunities for him to explain his objects more fully, and meet the statements of those who might be disposed to object to the Bill.

Leave given to bring in a Bill to establish Local Judicatures in certain cases in England.

CANADA.] Sir *G. Murray* moved for leave to bring in a Bill to amend the 14th Geo. 3, c. 83, for establishing a Fund towards defraying the charges of the Administration of Justice in Canada. Some conversation having taken place as to the order of proceeding, and it being understood that the debate on the measure should be postponed to a future stage, the right hon. Secretary went on to say, that he was induced to press the measure one stage then, otherwise it might not be passed during the Session. When Canada came into our possession, the taxes were levied under the ordinances of the King of France; but in 1774, an Act was passed abolishing them, and in 1791, the Canadas received a constitution, assimilating their government to that of Britain. The Act of 1774, directed certain duties to be levied in Canada, and that they should be appropriated to the use of the local government, under the authority of the Lords of the Treasury. In 1810, the Assembly of Lower Canada voted an Address to the Crown, in which it engaged to take upon itself the expense of the local government, provided it was allowed to receive a part of that revenue which had been, up to that time, at the disposal of the Treasury. This was conceded, and, as might have been expected, a question soon arose as to the right of the Assembly to appropriate the whole of the revenue, of which it had managed to make itself the receiver. That question had ever since been a source of disputes, and it was his object, by the present Bill, to put an end to those disputes. He had adopted it at the recommendation of the Committee which lately sat to inquire into the situation of the Canadas, and which thought that it would be necessary to take into consideration the general circumstances of Lower Canada, and the condition of the government of that province. Among the circumstances which came under the attention of the Committee, this dispute occupied a prominent place; and according to its recommendation and opinion, it must be concluded that, by the Act of 1774, the legal right of appropriating the revenue was vested in the Crown; in the opinion of the law officers of the Crown, there could be no doubt on the subject. One of the recommendations of the Committee was, that certain officers in the civil department of the government of Lower Canada should be rendered independent of the local government, and therefore he meant to propose, that a provision for the Judges and the members of the Executive Council should first be made, and the remainder of the revenue levied under the Act of 1774 should then be at the disposal of the House of Assembly of Lower Canada. That was the object of the Bill; it went only to the single point in dispute, leaving the many other recommendations of the Committee to be followed up hereafter; and he could assure the House, that he would not lose sight of them at some future opportunity. In consequence of this the Government had carefully abstained from taking any part in matters which could be better decided by the local government than by the Government at home. The great principle by which the Administration was guided was, the mutual advantage of the colony and the Mother Country; and consistently with preserving the connection between them, it was wished that the Colonies should be as independent as possible; on that principle it had been recommended, that the members of the local government should not be officers appointed by the Crown, and on that recommendation also he had acted. The legislative councillors of Canada were, however, appointed for life, and as far as the existing councillors were concerned, this principle could not be acted on; but all vacancies had been filled up by gentlemen who held no government office, and who had no connection whatever with the Crown, or were in any manner dependent upon it. The same course had been pursued in the upper Province. One of the Justices was not a member of the council; and a gentleman who was a member, on receiving a judicial appointment, immediately resigned his seat at the council. He mentioned these circumstances to shew in what manner the Government was acting, and what was the course it intended to pursue. The right hon. Gentleman, in conclusion, moved for leave to bring in the Bill.

Mr. *Labouchere* said, he did not mean at that time to enter into details, but he wished to state, that unless the Bill were materially altered he should be under the necessity of opposing it. Any measure which, like this, tended to deteriorate the condition of the Judges in Canada, would do injury; but what he wished to insist on was, that before the House legislated for that colony, it was necessary that its whole state and condition should be examined into, and thoroughly understood. That some healing measure was necessary could not be denied, but the Bill of the right hon. Gentleman appeared to him to have no such characteristic: it would make alterations undoubtedly; but those alterations would not be improvements. With reference to the Judges he would remind the House; that so long ago as 1791 it was promised, and the promises then made were repeated by Earl Bathurst in 1826, that the Judges should have nothing to do with the local government; but, notwithstanding those promises they were yet appointed for life, and yet took an active part in all political matters. Under such circumstances, men could not, and did not expect that justice would be fairly and impartially administered. The Judge was looked upon as a political friend or enemy, and though he might act uprightly, one expected favour, and another oppression at his hands. This ought to be rectified, and he sincerely hoped that before the Session closed, the disputes which had so long agitated Canada would be finally settled. Such was the unanimous wish of the inhabitants of that country, as expressed in a Resolution of the House of Assembly, in the year 1828. He trusted that the House of Commons would not suffer the Session to pass away without attending to that Resolution, for if it did, if the colony did not speedily receive such an administration as it ought to have, if these financial questions were not settled he should look with the most melancholy forebodings to the results of the connexion between England and her possessions in North America.

Mr. *Hume* put in his claim, in the next stage, to state his opinions upon the question at length; and observed, that the right hon. Gentleman had not by this Bill redeemed all his pledges.

Lord *Sandon* feared, that the Bill would not tend to put an end to the divisions in the colony.

Leave was given, and Bill brought in.

HOUSE OF LORDS,

Friday, April 30.

MINUTES.] Accounts ordered. On the Motion of Lord DURHAM, the Sums of Money paid by the Treasury on account of Inquiries ordered by Parliament into the Boroughs of Penryn and East Retford, up to the present time.

Accounts presented. The average price of British Wheat between July, 1828, and February, 1830:—Of British Cloths exported to China between 1811 and 1829.

Petitions presented. By Earl Fitzwilliam, from Kelvedon, Yorkshire, against the Punishment of Death for Forgery; and from certain Dissenters of Sheffield, for the Abolition of Slavery. By Visc. Melville, from the Merchant Company of the City of Edinburgh, against the additional Duty on home-made Spirits. By the Earl of Hardwicke, from the Inhabitants of Cambridge, against the Bill for extending exemption from Arrest for Debts to sums less than 100*l.*; and from the same parties, against a proposed alteration in the law relative to the distance from London at which Commissions of Bankruptcy must be worked in the Metropolis.

Greece.] The Marquis of *Londonderry* said, that he had just returned from France, where he had learned, that a Prince connected with this country was nominated Sovereign of Greece by the Allied Powers. It was some time since the noble Secretary for Foreign Affairs had promised to lay papers on their Table relating to the negotiations with Greece. If they were concluded, why leave Englishmen to learn the particulars of this and other parts of their foreign policy from the governments of the Continent? He likewise wished to know whether a reclamation had been made to the Prince alluded to, to forego his position of naturalization in this country? The foreign policy of the noble Secretary was singular: he had raised Don Miguel, while others wished to knock him down. No time ought, in his opinion, to be lost in clearing up the foreign policy of Great Britain. It was twenty-two months since the papers relative to Greece had been promised to their Lordships, and if they were not speedily laid on the Table, he should feel it to be his duty to make a motion on the subject.

The Earl of *Aberdeen* trusted, that in a very few days it would be in his power to bring down the papers relating to Greece. Though the noble Marquis had alluded to Don Miguel, he had put no question on Portuguese affairs, and he should therefore say nothing upon that subject.

The Marquis of *Londonderry* said, my question is plainly and simply this,—Is Prince Leopold appointed sovereign of Greece, by virtue of a treaty concluded by the Allied Powers? Has he been asked to forego his naturalization in Great Britain, in order to accept this new Sovereignty?

The Earl of *Aberdeen* did not think it incumbent upon him to answer whatever questions the noble Marquis thought proper to put, yet he had no objection to state, that his Royal Highness Prince Leopold was the personage to whom the Allied Sovereigns had offered the Sovereignty of Greece. Some points of the negotiation were not however concluded; they were not fundamental, and would, he hoped, soon be settled.

The Duke of *Wellington*.—"To the other part of the noble Marquis's question, relative to the naturalization, I have no hesitation in giving an answer in the negative."

Terceira.] The Marquis of *Clanricarde* wished to know whether his Majesty's Ministers had received official notification of the establishment of a regency at Terceira by the lawful Queen of Portugal; and, if they had, whether any steps had been taken by them in consequence?

The Earl of *Aberdeen* replied, that the Ministers were aware of the fact of the establishment of such a Regency; but they had no official relations with the persons composing it.

East Retford Disfranchisement Bill.] On the Motion of the Marquis of Salisbury, their Lordships proceeded to hear counsel and examine witnesses on this Bill, which occupied them for several hours.

HOUSE OF COMMONS.

Friday, April 30.

Minutes.] Returns presented. The number of Meetings under Commissions of Bankruptcy.

Petitions presented. In favour of the Sale of Beer Bill, by Mr. Denison, from the Retail Brewers of Surrey. Against that Bill, by Mr. Bramston, from the Licensed Victuallers of Dunmow:—By Mr. Egerton, from the Licensed Victuallers of Northwich:—By Sir E. Knatchbull, from Ashford, Milton, and Ramsgate:—And by Mr. Bell, from the Brewers and Publicans of Shields. Against the Punishment of Death for Forgery, by Mr. Bramston, from the Inhabitants of Saffron Walden; and the Magistrates, Clergy, and Inhabitants of Braintree and Bocking:—And by Lord Granville Somerset, from Newport, Monmouthshire. Against levying a higher rate of Duty on Rum than on Corn Spirits, by the Marquis of Chandos, from the West-India Merchants and Planters. Against levying a higher Duty on Corn Spirits, by Sir E. Knatchbull, from the Farmers frequenting Bristol Corn Market. For an increased Duty on Foreign Flour, by Mr. Bramston, from a number of individuals engaged in the Manufacture of Flour in Essex. And for an increased Duty on Foreign Lead, by Mr. Bell, from the Mining Districts of Derwent.

Scotch Judicature.] Sir *M. S. Stewart* presented a Petition from the Writers and Conveyancers of the Towns of Greenock and Port Glasgow, and Practitioners before the Sheriff Court of Renfrewshire, to which he requested the particular attention of the Lord-Advocate; for he was confident, if the learned Lord gave it his attention, he must also give his consent to the just and equitable prayer of the petitioners. The hon. Member stated the scope and object of the petition. Among other things, he said, the petition declared, that the expense of business before the Courts of Edinburgh is very great; but that the expense of the Court of Session is greatest of all; that the High Court of Admiralty, besides its primary jurisdiction in maritime cases, is cumulative with the Court of Session in mercantile questions, and that suitors prefer it, from the comparative cheapness of its administration; but still the petitioners are convinced that the Admiralty Court may, with great public advantage, be abolished, as proposed by the Lord-Advocate's bill, if its jurisdiction be transferred to the Sheriff Courts. The petitioners earnestly pray that the competency of the Sheriff Court, in Admiralty business, may not be limited to cases below 25*l.*; and they state that such a restriction would be very detrimental to Scotland, and particularly to sailors and ship-masters, in whose interests the procurators of Greenock and Port Glasgow must unquestionably be peculiarly conversant. He (Sir M. Stewart) would strongly urge upon the attention of the House, and of the Lord-Advocate, the great public advantage of conferring the full jurisdiction of the Admiralty Courts on those most efficacious and comparatively cheap tribunals, the Sheriff Courts of Scotland (which had been so ably and so justly characterized by his learned friend, the member for Knaresborough, in his powerful and comprehensive statement last night), making such jurisdiction alternative with the Court of Session in all cases above 25*l.*, and restrictive to the Sheriff Courts in cases under that sum. For proof of the great practical efficiency of the Sheriff Courts, he would only refer the House and the learned Lord (and no one was better acquainted with the constitution of these Courts) to one of his own returns, from which it appeared, that out of 66,232 causes decided in the Sheriff Courts in Scotland in three years, only 564 were carried by review to the Supreme Court. The petitioners also prayed that all inferior Admiralty jurisdictions should be abolished, and merged in the Sheriff, and in particular that the House would interfere to abrogate the authority of the Water Baillie of Glasgow, the existence of whose authority they stated to be a serious grievance to persons residing in Renfrewshire. In conclusion, the petitioners declared that there was much to amend in the judicial system of Scotland, and if permitted they would demonstrate the expediency of introducing jury trial in civil cases, before the sheriff, parties being always allowed the option of a trial by jury, or by the judge alone; and they stated that they were ready further to demonstrate the expediency of empowering the sheriff to enforce his own decrees by imprisonment, without the heavy expense of Signet-letters of horning and caption; and that the sheriff should have the power of awarding sequestration of the smaller class of bankrupt estates, and of determining cases of *cessio bonorum;* they prayed this House to take these matters into consideration, in which prayer he joined, and he called on his learned friend (the Lord-Advocate) if possible to give them speedy effect. Seeing his hon. friend, the member for Ayr, in his place, he could not help expressing an anxious hope that he would, without delay, renew his useful and much-required bill for the transfer of heritable bonds by simple endorsation, by which he would confer very great benefit upon Scotland at large. He also trusted, that his hon. friend, the member for Stirlingshire, would turn his great practical knowledge and acute mind to the truly important subject of seisins, with a view to their complete revision and reform; and that he would extend still further the powers of that most valuable statute, the Small Debt Act, for which he would deserve and receive the gratitude of his country; and he hoped his vigilant friends, the members for Westbury and Aberdeen, would keep their chastening hands on that master grievance the Fee-fund, until it was altogether suppressed; or at least compressed into much more moderate dimensions. He begged to take this opportunity of saying, that the observations that he made on a former evening, as to the high rate of writers' charges, applied to the charges on conveyancing, and especially the *ad valorem* charges, which ought to be done away with altogether. As to the charges for court business, he presumed to give no opinion; but from the difference of opinion that he understood existed at present among the learned bodies on the subject, as well as from the nature of the subject itself, he thought that, in justice to the Lords of Session, to the learned bodies themselves, and especially to the public, one of two courses should be adopted by Parliament,—either that a parliamentary commission should be forthwith appointed for the regulation and publication of the whole of these charges, or that they should be left altogether without any regulation, and quite open to free competition. He moved that the petition be brought up.

Mr. *Maxwell* said, that when this Petition was disposed of, he had two petitions of a similar nature to present. He took that opportunity of informing the learned Lord, that there was little or no hostility felt in Scotland to the improvements which he had recently proposed to make in Scotch-law, and of declaring that he was most desirous to render justice more easy and accessible to his fellow-subjects in that part of the United Empire. With this view he would suggest that the present system of appeal should be done away, and that instead of parties having to come to London, as at present, the final appeal should be to a court established in Scotland, like the twelve Judges in England.

The *Lord Advocate* was happy to hear that no hostility was entertained in Scotland to his bill, as he must confess that he had been apprehensive of a different result. The measure which he had recently proposed to the consideration of Parliament was quite as large as any measure which had ever been hitherto proposed for the reformation of Scotch law. He wished the House to deal with his measure on its own merits in the first instance, and afterwards to take into consideration the other suggestions which had been made to it, adopting them where they were useful, and rejecting them when they were shown by argument to be likely to prove detrimental.

Mr. *Kennedy* said, that if the bill for the transference of heritable securities, which he had brought into Parliament in the year 1823, had been passed at that time, it would have proved highly beneficial to the people of Scotland, and he had no doubt that it would prove equally beneficial to them if it were passed at present. As he had been so pointedly called upon by his hon. friend, he would now declare, that if he thought that it would be agreeable to the House and to the country, he would introduce that same bill again into Parliament during the continuance of the present Session.

Mr. *H. Drummond* said, that he had found such difficulty in dealing with the amount of compensations which it would be necessary to make on passing his bill for the better regulation of seisins, that he must decline bringing it again under the notice of Parliament. He believed that it would be a most useful measure: but it was in vain for any individual to hope to carry it, unless the matter was taken up with the cordial consent of Government.

Mr. *Hume* hoped that the hon. Member would not be deterred by the difficulty which he had mentioned, from proceeding with his very useful and necessary measure. It was a shame to let the extravagant claims of public servants stand thus in the way of great and important public benefits. If the hon. Member would undertake the management of such a measure, he would have more time than the members of Government to superintend its progress, and to bring it to a successful termination.

Petition to be printed.

CONSCIENTIOUS SCRUPLES OF THE MILITARY.] Sir *R. Inglis* presented a Petition from certain Clergymen of the Established Church, who were formerly officers in the Army, praying that the House would take measures to prevent the compulsory attendance of Protestant soldiers at the religious ceremonies of persons of a different persuasion. The hon. Member observed that a few years ago, Roman Catholic soldiers were relieved from the necessity of attending Protestant worship, and he only asked that the same privilege should be extended to Protestant soldiers. Adverting to the case of Captains Aitchison and Dawson, who were tried by a Court Martial at Malta six years before, because they refused to take part in a religious ceremony, the hon. Baronet inquired if at present there was any disposition to review that case, in a manner favourable to these officers. "He wished that there should be no contest between a man's duty to his God and a soldier's duty to his commander." That principle was, however, sometimes violated, and soldiers who were of the Church of England were compelled to attend on the ceremonies of Catholics. When our troops were last in Portugal, for example, an officer in a small town ordered two officers and sixty men, with the band of the regiment, to parade round the town for several hours, in honour of some patron saint. The commanding officer, he believed, had no evil intention, but he might have hurt the consciences of his men.

Sir *George Murray* begged leave to remind the hon. Baronet, that a few years ago, all the soldiers of the British Army, though they might be Catholics or Presbyterians, were compelled to attend the service of the Church of England. That was no longer the case, but even so late as when he held the command of the army in Ireland, instructions were received, originating, as he understood, from the application of the Chaplain General, to prevent a Scotch regiment quartered at Belfast, from attending the service of the Presbyterian Church, of which they were members. On his arrival in Ireland, the first question of his Excellency the Lord Lieutenant was, "What is the meaning of all this, we shall have the whole North of Ireland, in a flame." That shewed that up to a later period, than the hon. Baronet supposed, it had been customary to insist on the attendance of all soldiers at the English Church. That, however, was not so much the subject before the House as the practice of the British Army, in places where the religion of the country was different from the established religion of England. To show what that was, he would, with the permission of the House, refer to some General Orders, which had been issued on the subject. The first which he would quote was issued at Cadiz, on April 1st, 1810, by Lord Lynedoch, and it directed that "the greatest respect is on all occasions to be paid to the religion of the country." The second was dated on the 30th of the same month; in that Lord Lynedoch says, "the Lieutenant-general flattered himself, that he would have only to express his satisfaction to all ranks for that attention to discipline, and that regard for the religious customs and the prejudices, even of the inhabitants, which ought never to be forgotten by his Majesty's troops. It is therefore with great regret that he has lately received various reports of disorderly conduct, and in particular of the want of respect for religious processions." He would then refer to an order issued at Alexandria, or rather from the heights to the westward of Alexandria, and consequently in a country where the Mahomedan religion prevailed, on March 18, 1807. The order was as follows, "Major-general Fraser points out to the troops, the necessity as well as the propriety of having the utmost respect paid to the customs, manners, and religious ceremonies, of this country. Officers are themselves enjoined to abstain from any act that can, in the smallest degree, tend to give offence, and they will on every occasion impress on the minds of the soldiers, that their own individual safety, the honour and success of the army, may be materially affected by their conduct in this particular." The following order was issued by the Duke of Wellington when he was in Portugal.

"*Mondego Bay, July* 31, 1808.

"It is also most essential to the success of the Army, that the religious prejudices and opinions of the people of the country should be respected, and with this view the General desires:—1st. No officer or soldier belonging to the Army is to go to any place of religious worship, during the performance of divine service in such place, excepting with the permission of the officer commanding his regiment, and the general officer commanding the brigade to which he belongs:—2nd. When an officer or a soldier shall visit a church or any other place of worship, from motives of curiosity at periods when divine service is not performed, he is to remain uncovered while at church:—3rd. When the Host passes in the street, officers or soldiers not on duty are to halt and front it, the officers to pull off their hats, and the soldiers to put their hands to their caps; when it shall pass a guard, the guard will turn out and present arms; when a sentry, the sentry must present arms."

In compliance with that order he had frequently taken off his hat himself, and he was quite convinced that our army would not have triumphed, though it was contending for national independence and individual liberty, had that respect not been paid to the religious feelings of the allies who were united with us in that great contest. Our soldiers were always enjoined to show the utmost respect to the religious rites of other sects, but he knew of no instance in which they had been compelled to take part in their ceremonies. At Malta all the military duties connected with religious ceremonies were performed by the Maltese Fencibles. The only exception to this practice was on the occasion of the demise of the last Pope, when some British soldiers assisted at the ceremonies, but they were exclusively Catholics. With respect to the officers alluded to, he could hold out no hope that the sentence of the Court Martial by which they had been punished, and which had received his Majesty's sanction would be reviewed or the punishment remitted. He stated that with the more confidence, because he held in his hand, at that moment a letter of his late Royal Highness the Duke of York, in reference to that very case, in which the distinction was drawn, in the strongest and clearest manner, between the attendance of a soldier, in obedience to orders, as a part of his military duty, and his attendance upon a religious service.

Sir *E. Knatchbull* said, he understood

that Protestant soldiers had been compelled to assist at the ceremonies of the Roman Catholic religion in foreign countries. If he understood the right hon. Baronet correctly, it appeared that every commander might compel his troops to take part in a religious ceremony, from which they were averse, and which was contrary to their creed. That was, indeed, the very case of the officers whose unfortunate fate had been alluded to, all of whose prospects in life had been blasted because they would not attend a religious procession, when they could not have done so without violating their own feelings of religion. His hon. friend did not expect that the sentence of the Court Martial would be revised, but he submitted the case of these officers to the consideration of his Majestys Ministers in the hope—a hope which many other Members entertained—that some favour might be shewn to them.

Mr. *O'Connell* thought the prayer of the Petition a very reasonable one. Protestant soldiers ought not to have violence done to their consciences by being compelled to assist at the ceremonies of another religion. The Protestants had been called on by the law to swear that a ceremony was idolatrous, and they were compelled by the same law, to fire salutes and do homage in honour of that very ceremony. Men would not be the worse soldiers for being good Christians, and therefore he should recommend the Petition to the consideration of the Government.

Mr. *Trant* also supported the prayer of the Petition. There was throughout the army he said, a strong feeling on the subject to which the Petition referred, which the explanation of the right hon. Gentleman would by no means satisfy. A clergyman of the Church of England had lately informed him, that he had seen our soldiers, in the island of Corfu, obliged to hold candles in their hands in honour of the Holy Ghost. As his hon. friend had made no impression on the right hon. Baronet, he would, he hoped, prosecute the matter in some other manner. It was proper he thought, for our troops to respect all religions, but that was very different from taking an active part in their ceremonies. At present British officers were obliged to pay respect and homage to a religion which they thought erroneous, and that was a footing on which, in his opinion, such matters ought not to be placed. He regretted that the recommendation of the governor of Malta, in regard to having all the salutes in honour of religion fired by persons specially engaged for that purpose, had not been attended to.

Sir *George Murray* said, that carrying candles was quite optional; people going along put candles into the hands of those men near them, but they might carry them or not as they pleased. The only instance of an attempt at compulsion, of which he had heard for a long time, was that of the Scotch regiment in Ireland to which he had alluded.

Petition laid on the Table.

Sir *Robert Inglis,* in moving that it be printed, stated, that he did not wish the religion of any man to be treated with disrespect, but he must, on that very principle, contend that it was wrong to compel our conscientious soldiers to pay homage to religious ceremonies which they disapproved of. He saw nothing in the Orders quoted by the gallant officer to complain of, but he disapproved of our men being obliged to pay more than negative respect to the religious observances of other countries. He did not ask for the revision of the sentence of a Court Martial, but that the officers he had alluded to might, by his Majesty's bounty, be restored to the service. He did not think this too much to ask, because the orders of the Marquis of Hastings, abolishing the practice for not complying with which these officers were punished, was a condemnation of that practice and particularly because their offence was considered to be so slight, that they continued in the discharge of their ordinary duties more than six months after the offence was committed till orders went out from England to try them by a Court Martial. All that he wished was, that the conscience of the Protestant officer and soldier should be as much protected as the conscience of the professor of a different religion; and that no man, whether he were of the Greek, the Catholic, or the Protestant Church, should be compelled to join in any worship of which his conscience disapproved. If an English regiment were ordered to go to a Roman Catholic Cathedral, and there salute the Host on its elevation, and if any of the officers or men were to be punished for not obeying, that would, in his opinion, be as much compulsion as if they were driven into the Cathedral at the point of the bayonet. The principle involved in this case, therefore, was one of the highest importance, and he could not but say that he had heard with great satisfaction the sentiments which the hon. member for Clare had expressed in supporting the Petition.

Mr. *Maxwell* said, that the officers alluded to, had fallen a sacrifice to the prejudices of the Government; and that if the hon. member for Oxford would bring forward a motion for granting them compensation, he would cordially support it. He knew that many persons would consider the obligation of soldiers to attend any religious ceremonies but those of their own church as very wrong, and that it would debar them from sending their children into the army.

Petition to be printed.

MACHINERY.] Sir *E. Knatchbull* presented a Petition from the Journeyman Paper-makers of the county of Kent, against the excessive use of Machinery in the manufacture of Paper.

Mr. *Wells* supported the prayer of the Petition; because, he thought the distress of the petitioners arose from the excessive use of machinery, and what was called Free Trade.

Mr. *Hume* said, he had been requested, by a deputation from the petitioners, who had favoured him with a copy of their Petition, to support its prayer, but he had declined to do so, because he was certain that a compliance with their wishes would add to, instead of diminishing, the general distress. The petitioners could only hope for more employment, by being able to manufacture Paper at a cheaper rate than other people, and they could only do that by employing Machinery. What kept up the price of their produce and kept down their wages was taxation. He had therefore advised these people to petition for a repeal of the tax on Paper, and for the abolition of the Corn-laws. Had these two remedies been applied, their disease would soon be cured. He would not then undertake to shew that the member for Maidstone was in error, he would merely observe, that to renew the restrictions on our trade, or to extend them, would augment the distress of the country tenfold. If the Chancellor of the Exchequer wished, as he believed he did, to alleviate the burthens of the people, he would suspend the vexatious interference of the Excise, which, without adding to the revenue of the State, did most severely aggravate the miseries of the people. If he would abstain from interfering with the mode of manufacturing various commodities, employment would be so much increased that he might levy a greater revenue than now, at less expense. Why should not England supply the world with Paper as well as Calico? We had every requisite for so doing except freedom. The manufacture of Paper was subjected to the Excise, and that prevented its success. Was it surprising that the nation could not run along in the career of prosperity, when its hands and feet were in fetters? English Paper was, in point of durability, the best he had ever seen, and he knew no reason but our own restrictions, why it was not extensively exported to all parts of the world. He regretted that the petitioners should be ignorant on this subject; and that they should have prayed the House for that, which if granted, would only tend to their own destruction.

Petition to be printed.

BEER-TRADE.] Sir *E. Knatchbull* in presenting a petition from Mr. James Best, common-brewer, of the county of Kent, against throwing open the trade in Beer, observed, that he hoped that the Chancellor of the Exchequer would abandon that measure, and in lieu of it repeal the duty on Malt. The publicans and other parties now engaged in the Beer-trade, would suffer very great hardship by the Chancellor of the Exchequer's proposed measure. They had embarked large sums of money in their business, which would be deteriorated or entirely destroyed by the Bill under consideration. The measure had excited much disapprobation throughout the country, and he hoped the Chancellor of the Exchequer would not persevere in it.

Mr. *Benett* said, he agreed with the hon. member for Kent, and was of opinion, that the measure would inflict a serious injury on the publicans and common-brewers. He must therefore beg leave to unite his voice to that of the hon. Baronet, and request the Chancellor of the Exchequer to give up his Bill. He could also inform the right hon. Gentleman, that he was not more lucky with Spirits than with Beer, and his measure for augmenting the duty on Corn Spirits had given universal dissatisfaction to the distillers.

PRIVY COUNCIL.] The *Chancellor of the Exchequer* said, he hoped the hon. Baronet opposite (Sir J. Graham) would not press his motion for an account of all salaries and emoluments received by the Members of his Majesty's Privy Council, on going into the Committee of Supply. All the information which the hon. Baronet demanded would be laid before the House in the course of a fortnight, in consequence of the motion which had been made by the hon. member for Lincolnshire.

Sir *J. Graham* said, he was anxious to have an opportunity of stating his view with respect to the question of superannuations, of full military pay enjoyed by officers having civil allowance, and on another point of great importance—he alluded to sinecures being held by individuals, who otherwise received large allowances. If, however, the returns alluded to by the right hon. Gentleman were satisfactory, it would not be necessary for him to proceed with his motion, but if they were not so, he certainly would persevere, and under that feeling he consented to postpone his motion until the eleventh of May.

Mr. *Hume* said, he was unfortunately absent when the right hon. Gentleman moved for the appointment of a committee to inquire into the existing superannuations. If he had been present, he would have opposed such a mockery. It appeared to him, that since the dissolution of the Finance Committee, Ministers had done every thing to prevent proper inquiry. In the formation of this new committee, an hon. Baronet (Sir Henry Parnell) the ablest man, he would say, that ever sat on any committee, had been most unaccountably excluded.

The *Chancellor of the Exchequer* said, that the hon. Baronet referred to, had been inadvertently, and not intentionally, excluded; for his own part, he had no objection that the hon. Baronet should be placed on the committee.

COMMITTEE OF SUPPLY.—ORDNANCE ESTIMATES.] Mr. *Perceval* moved the Order of the Day for the House to resolve itself into a Committee to consider further of the Supply to be granted to his Majesty. On the Motion of the same hon. Gentleman, the Ordnance Estimates were ordered to be referred to the said Committee.

In the Committee, Mr. Perceval moved, that a sum not exceeding 82,046*l.* be granted to defray the expenses of the corps of Royal Sappers and Miners, &c., for the year 1830.

Mr. *Hume* objected to the grant, and stated that the force was too great. In 1792 there were only fifty officers of Engineers, while at present there were 250. The number of Engineer officers was greater now than in 1802, although at that time Bonaparte wielded the power of France, and nearly all Europe was arrayed against us, and even then the number was three times as great as in the peace of 1792. The expense had been increased from 35,000*l.* in 1792 to 83,000*l.* at present; the number of officers had been increased from 113 to 250. He thought that both the expense and the number of officers was disproportionately great, and they ought to be materially reduced.

Mr. *Perceval* said, that the hon. Member was mistaken in saying that the Engineer officers were more numerous now than in 1802. The fact was, that if the increase of places where they were required, and the different distribution of their duties were taken into account, their number would be found to be proportionately less than at that period. The number then required for the Colonies was sixty-nine, but at present no more than sixty were employed. The whole establishment of Sappers and Miners was under the command of Engineer officers, and these, together with the number employed upon surveys and in the Irish districts, and those required in the barrack department, fully accounted for the apparent increase of the number of this corps. To all these circumstances he might subjoin the number of Colonies added since the time referred to, and when every thing was considered, he was justified in saying, that comparing the different services they now performed, the number was less than at that period. He might also mention, that the Engineer corps must be kept up in time of peace for the instruction of young officers.

Mr. *O'Connell* said, that additional taxes were about to be imposed on Ireland, if, indeed, the people did not, in a constitutional manner, so strongly oppose the measure as to prevent the right hon. Gentleman from carrying it into effect. He wished to prevent the necessity of this, by reducing the establishments, for Ireland was, with respect to her power to bear taxation, a very poor country, and really not able to support the burthen of any more direct taxes. If, therefore, the hon. member for Montrose would propose any reduction of the Irish expenditure, he should have his hearty support.

Colonel *Trench* defended the Engineer corps, which, he said, was incessantly employed, and the officers of which supplied the place of jobbing architects and surveyors' clerks, and being paid 2*s.* 10*d.* a day, saved the country many thousand pounds.

Lord *Edward Somerset* said, that this establishment must necessarily be kept up, for if it were destroyed, its re-organization would be extremely difficult, not to say impossible, when circumstances should call for it.

Mr. *Hume* did not think these men were profitably employed; they only wasted the materials, for their work itself was not wanted. Having the men we were compelled to find them employment. A sum of 389,000*l.* had been expended on public works in the space of seven years, and in the next five years it was proposed to spend 535,000*l.* more. He thought that we were not in a condition to spend such sums, and therefore they ought not to be granted.

Resolution agreed to.

Mr. Perceval moved, that a sum of 83,626*l.* be granted to his Majesty for the expense of the Royal Regiment of Artillery, for the Colonies, and for Ireland, the sum of 200,000*l.* having already been granted for the same service on a vote of credit.

Mr. *Hume* said, that notwithstanding the recommendations of the Finance Committee, that this corps should be reduced—it was now to a man as numerous, and to a pound as expensive, as it was before those recommendations had been made.

Lord *E. Somerset* defended the vote, on the ground that the new Colonies required more artillery. The new Driver corps, also did the duties of Artillery men.

Mr. *Hume* denied, that these things were sufficient to justify this increase of expense in time of peace. By keeping up so large a corps we did but add to the claims on our Pension List. The Lieutenant Commandants were continued, although they could not perform their duty. At least the Government said so, for they insisted on maintaining the office of Lieutenant General of the Ordnance, on the ground that he alone could perform the duty of inspecting the Artillery. Surely both branches of expense were not necessary. He had often been accused of entertaining extravagant ideas, but no ideas he had ever entertained were half so extravagant as those of the Government, who spent the public money without the slightest remorse. He thought the reduction in this department ought to be to the extent of 2,000 men.

Resolution agreed to.

The next Vote proposed by Mr. Perceval was for a grant of 37,111*l.* for the expense of the Royal Artillery, including a Rocket Troop, and the charge for a Riding-house.

Mr. *Hume* defied human ingenuity to point out the real utility of the Rocket Troop in time of peace.

Lord *E. Somerset* observed, that the same objection would apply to every other corps. A scientific troop of Rocket-men could not be framed in a day, upon a temporary emergency.

Mr. *O'Connell* suggested that the Engineers might soon be converted into Rocket-men. It was admitted that this body of men was of no present use, but it was assumed that the country must bear the expense, as it might be of use at some future period. This sort of proceeding and argument indicated a total absence of sympathy between the extravagant Government and the suffering people.

Lord *Howick* said, that efficient economy was not promoted by these trifling objections. These corps ought to be kept up in peace, that they might be ready in war.

Mr. *O'Connell* did not feel lessened by the reproof of the noble Lord any more than he should feel exalted by his praise. The objections to these votes were founded upon a due regard to the interests of the people, who still sent some Members to Parliament, though the noble Lord might not be one of them.

Sir *H. Hardinge* remarked, that the Rocket Troop consisted of only eighty-six men, who performed all the duties of horse artillery.

Mr. *Maberly* said, that it was almost a farce to submit these votes to the House, if, when the sums were small, objections to them were deemed insignificant, and when they were large, resistance was considered an attack upon the great and important interests of the country. In his opinion all these establishments were too numerous and too expensive.

Mr. *Doherty* said, he thought the hon. member for Aberdeen was the last person who ought to object to the maintenance of a small but effective corps, for the hon. Member himself belonged to a body which made up by activity for its want of strength and numbers.

Vote carried.

Mr. Perceval proposed a Resolution for granting 1,223*l.* for the Director General of the Field Train, and for the Field Train Department.

Mr. *Hume* wished to know what were the duties of the Director? and

Mr. *Perceval* replied, by reading a description of them from the Report of the

Finance Committee. He has to inspect the field train, and see that it is complete and perfect. The emoluments of the office were to be reduced on the death of the present holder of the office, who was seventy-five years of age.

Vote carried.

The next Resolution was for 9,127*l.* for the expense of the Medical Establishment of the Military Department of the Ordnance.

Mr. *Hume* begged to know whether the recommendations of the Finance Committee on this subject had been attended to?

Lord E. Somerset answered in the affirmative.

Mr. *Maberly* thought that the department might be abolished altogether without injury to the service.

Sir *H. Hardinge* observed, that the establishment at Woolwich would be dispensed with by degrees, and as fast as the present members were diminished by the course of nature and other causes.

Resolution carried.

On the question that 3,402*l.* be granted for the establishment of the Civil Officers and Masters of the Royal Military Academy at Woolwich,

Mr. *Hume* inquired how many young men were there educated, and how many had been admitted last year?

Lord *Downes* replied, to the first branch of the question 124; and to the last twelve.

Mr. *Hume* wished further to be informed how many of the Cadets were the sons of Artillery Officers?

Lord *Downes* added, that twenty were the sons of Artillery Officers, and ten or twelve the sons of Officers of the Line.

Mr. *Hume* contended that this fact showed that the Military Academy, instead of being applied to the education of the sons of meritorious officers, was made the nursery for favourites who had no claim upon the country, and who were educated at the public expense, like paupers at a charity school.

Sir *H. Hardinge* repelled this charge, and denied that the young gentlemen ought to be considered in the light of paupers educated by public charity; they were entitled to the bounty they received on devoting themselves to the service of their country. He added, that the promises made by Lord Anglesea and his predecessors were fulfilled by Lord Beresford, so far as the cadets were concerned.

Mr. *Maberly* thought that the country was not called upon to educate the sons of gentlemen for any profession. He confessed that he should be as ready as any hon. Member in that House to agree to a vote for educating young gentlemen for the army, if a sufficient case were made out.

Sir *H. Hardinge* said, he was not understood in what he had said. In 1829, there were thirty-two cadets admitted, eighteen of whom were sons of officers, and in 1828, out of twenty-four cadets, eleven were sons of officers. He conceived that a system which cost the country only 3,300*l.* ought not to be objected to, when so much good was derived from it as had proceeded from the Academy at Woolwich.

Mr. *Hume* called the attention of the Committee to the fact, that medical men entering the army were not educated at the public expense, and their education was as expensive as that of any other officer in the army, belonging to any branch of the service. What he wished to see was this—that young men should be educated at their own expense, or that of their friends, up to a certain point, and that such scientific education as the service required might be imparted to them at the public expense. Let the public, by all means, give them the scientific information they might require as artillerymen; but he must say, so long as they remained pensioners of the State, by putting it to unnecessary expense for their education, he could not but call them paupers—he called all persons paupers who took the money of the State without giving value for it. Those might not be very courtly terms, but his sense of truth and justice compelled him to use them—there was no Lord nor Lady who had an undeserved and unnecessary pension who was not a pauper. What had the public to do with the education of the Army? There was no education that he knew of requisite for the Army. The general feeling was, that when a young man was fit for nothing else, he ought to be put into the Army or into the Church.

Sir *Henry Hardinge* would affirm, that the hon. Member was most unfairly stigmatising those young men. They were just entering into life, and he was calling them paupers without the slightest foundation. Having now treated that observation with the contempt it deserved, he should proceed—

Mr. *Hume* rose to order. The language of the gallant Officer opposite was altogether unbecoming his situation.

Lord *Milton* did not hear the term contempt applied to his hon. friend the member for Aberdeen, or to any other Gentleman; it was perfectly competent to any Member to speak contemptuously of any remark made: the contempt had nothing personal in it.

Sir *Henry Hardinge* had never meant to attach any thing personal to his observations. He merely desired that it should go forth to the public that he felt contempt for the stigma which had been cast, or rather attempted to be cast, upon those young gentlemen. He had no intention of offering any offence to the hon. member for Aberdeen, who, throughout the whole of the discussions relating to those Estimates, canvassed them with so much good humour, that nothing could be farther from his wish than to treat the remarks of the hon. Member with any undue severity. The gallant Officer then proceeded to say, that what the hon. member for Aberdeen had said respecting the education of medical men was not of much weight, for their education could not fail of being serviceable to them out of the army; whereas that of artillery officers could be of no value to them except in that service. If they wished to keep the corps of Artillery, they had better look to the preservation of the Academy of Woolwich.

Lord *Howick* concurred in much of what had fallen from the hon. member for Aberdeen. He thought that in this case the public ought to provide the means of education, and that the individuals profiting by it ought to pay for the advantages so afforded to them.

Mr. *R. Gordon* defended himself and his friends from the accusation of offering indiscriminate opposition to the votes proposed for the public service. Such accusations were exceedingly improper and undeserved. The first and highest duty of the representatives of the people was scrupulously to watch the expenditure of the public money. He wished to know why the Academy at Woolwich could not be placed upon the same footing as the Military College. The students there paid not only more than was necessary, but enough to defray the charges of all the gratuitous education connected with the establishment. The hon. member for Aberdeen had said, that none but those who were fit for nothing else went into the army; that was, he conceived, quite a mistake: every prudent man in these times would send his son into the army—it was the high road to promotion; to belong to the military profession, was at present the sure mode of securing political advancement. How long this military system — this barrack administration — might last, he would not take upon himself to say; but now the cleverest member of each family would, as a matter of course, be sent into the army. He wished to know from the gallant Officer opposite, why the sons of civilians should not pay at Woolwich as well as at the Military College?

Sir *Henry Hardinge* said, that the fact of young gentlemen being educated at Woolwich, fixed upon them a prohibition, or rather excluded them from serving his Majesty in any other capacity than as artillery officers. Placing them under that disability he thought was enough, without adding to it a charge for an education useless for any other purpose of life.

Mr. *R. Gordon* professed that this explanation was any thing but satisfactory.

Mr. *Warburton* thought, that if the gratuitous education were removed, there would be no necessity for restricting those persons to one branch of the service.

Lord *Downes* said, the expense of this establishment had been greatly reduced since 1821.

Lord *Althorp* said, that though our artillery might be excellent, he believed it would be admitted that our Navy was as good as any in Europe, yet our College at Portsmouth paid its own expenses.

Mr. *Baring* contended, that it would be no hardship to oblige those young men to pay for themselves.

Mr. *Hume* contended, that the expense of this establishment was not merely 3,000*l.* the amount of the present vote. The whole expense of living, servants, and other items, exceeded 11,000*l.* a year. He really saw no reason why a bounty should be paid to young men to induce them to enter the Artillery: when a scarcity existed it would be time enough to talk of bounties.

Sir *J. Wrottesley* advocated the principle of permitting parents to educate their children for the service at their own expense, and therefore opposed the present vote.

Mr. *Hume* objected to the impropriety of having employed the pay appropriated for sixty lieutenants to the support of sixty-four additional cadets.

Mr. *Maberly* said, that the accounts on this subject required explanation, and the vote must be postponed until the accounts were amended.

Mr. *Hume* said, there was no question but that the vote must be postponed.

Mr. Perceval, the Chancellor of the Exchequer, and Sir H. Hardinge declared, that a saving had taken place, and that the application of the money was justified by his Majesty's warrant.

Mr. *Hume,* Mr. *Maberly,* and others, denied that his Majesty's warrant could override the Act of Parliament, which expressly pointed out the application of it.

A division took place, when there appeared—For the Resolution 131; Against it 59: Majority 72.

List of the Minority.

Althorp, Lord
Bankes, H.
Baring, F.
Bentinck, Lord G.
Benett, J.
Buck, L. W.
Carter, J. B.
Cave, O.
Cavendish, W.
Clements, Lord
Dawson, A.
Davies, Colonel
Dickinson, W.
Du Cane, P.
Ebrington, Viscount
Encomb, Viscount
Euston, Earl of
Fortescue, Hon. G.
Graham, Sir J.
Grattan, H.
Gordon, R.
Guest, J. H.
Honywood, W. P.
Hobhouse, J. C.
Howard, H.
Howick, Lord
Kennedy, F.
Knatchbull, Sir E.
Labouchere, H.
Lambert, J. S.
Langston, J. H.
Lester, B.
Maberly, J.
Morpeth, Lord
Marshall, W.
Marjoribanks, S.
Martin, J.
Mostyn, Sir T.
Milton, Viscount
Monck, J. B.
O'Connell, D.
Power, R.
Philips, G. R.
Poyntz, W. S.
Ponsonby, Hon. G.
Robinson, G. R.
Robinson, Sir G.
Rickford, W.
Ridley, Sir M. W.
Sibthorp, Col.
Slaney, R.
Sykes, D.
Strutt, Colonel
Taylor, M. A.
Thomson, P.
Warburton, H.
Webb, Colonel
Wilbraham, G.
Wood, Alderman
Wood, J.

TELLER.
Hume, J.

The next Resolution was for the sum of 587,108*l.* for defraying the Extraordinaries of the Office of Ordnance for the year 1830, after a deduction of 167,547*l.* for the sale of old stores.

Mr. Maberly, Mr. Hume, and Mr. R. Gordon opposed taking the votes in this shape, and contended that it should be taken in five separate items; while the Chancellor of the Exchequer, Sir H. Hardinge, and Mr. Perceval, maintained, that this was the most convenient mode for taking it; and after a long conversation upon that point, the Chancellor of the Exchequer consented to withdraw the vote, and so to shape it as to meet the views of the hon. Members opposite.

On the suggestion of Sir H. Hardinge, the Committee proceeded to the next Resolution, which was for the sum of 4,034*l.* to defray the expenses of services performed for the Office of Ordnance, and which had not been provided for by Parliament, for 1830. On the question being put on this Resolution,

Lord *Milton* said, he rose to state the objections which he entertained to these Estimates generally. He was desirous to take this opportunity to enter his protest against the whole military system of this country. If he had not long entertained such a sentiment, the remarks which he had heard that evening from the military bench opposite, would induce him to adopt it. A gallant Officer opposite had said, that having been in Paris in 1814, he saw the deficiency of the Artillery there compared with ours, and he asked, would we now break down such a superior establishment? The fact was, that his Majesty's Ministers seemed to take for granted that, in time of peace, England should be prepared for war, not in the way in which our ancestors would keep her prepared, but according to the new-fangled doctrines which a desolating war of a quarter of a century's duration had introduced. He meant to contend, that we ought not to keep up a large standing army in time of peace. Our insular situation protected us against the danger of an attack. It was upon that our ancestors depended for defence, and upon our free institutions, and the spirit of our people which grew out of those institutions. He had to complain not only of the Government but of that House, for maintaining the present extravagant military establishment of this country. He took no blame to himself on that head, for ever since the peace he had voted for a reduction of these estimates; and, in the calamitously prosperous years of 1824 and 1825, when hon. Gentlemen appeared to think they could not vote away the public money fast enough, he was proud to say, that he had gone out in a division of seven upon those estimates. He was opposed to the whole military system of this country. Ministers had made a great noise and parade about the reductions which they proposed to make, but the distress of the country would force them to make still greater reductions. If those who were far from that place could depend on the rumours which went abroad of what passed within it, it was not the declared intention—and if it had been the intention it would have been declared—of

Ministers at the opening of the Session to make any reduction in the taxation of the country. They felt, however, at an early period of the Session, the necessity of making some reduction to conciliate the good will of the people. If, then, at the end of fifteen years of peace, Ministers were at last driven to the necesity of reducing taxation, he thought that he was perfectly justified in maintaining that the expenses of the country, during all that long period, had been much too large. Besides the objections which he felt to the magnitude of our expenses, he must say that they appeared to him objectionable, owing to the alterations which they were producing in the character of the nation itself. They were making us the paltry imitators, at an immeasurable distance, of the great military powers of the Continent. He contended that at the present moment the military establishments of England were monstrous. A standing army of 90,000 men was a monstrous armament for England to maintain. To what dangers were we exposed at present? To the danger of invasion? If so, was it a force of 90,000 men that would prevent our land from being polluted by the hostile tread of the foreigner? No, we must look for safety to the energy of the nation, and to its devotion to its free institutions, which would increase daily, if the House would only yield to the spirit of the times, and give additional strength to all our resources, by a reduction of overgrown establishments. Such were his doctrines; they were unfashionable perhaps, and antiquated, and better suited for the year 1730 than 1830. He was sorry to say that the feeling of the people of England had been corrupted upon this subject. It was not prudent, and perhaps it was not agreeable, to mark such changes; but he was satisfied that the opinions of the country, if he could judge of them by those who were appointed to represent them in that House, were changed, and not changed for the better, whether viewed in their relation to the spirit of liberty, or in their relation to national independence. If our safety were made to depend on large military institutions, he was sure that sooner or later the time would come when the nation would repent of having trusted to such defences. He had risen upon the present occasion to enter his protest against all the military establishments of the country. He was not going to enter into a discussion of the number of engineers which we ought to keep up, nor of the expediency of voting any given sum to the support of the Military College, though that was a head of expenditure which was not, perhaps, in any respect advisable. He had not gone into any examination of the details of those Estimates, because his view of the question was different from that taken by those who had been discussing them item by item. His objections to them were not so much founded upon pecuniary as upon other and higher considerations.

Vote agreed to.

The next grant was for a sum of 300,245*l.* for the Superannuated Allowances in the Ordnance, Pensions to Widows, &c.

Mr. *Hume* took that opportunity of asking the right hon. Secretary at War whether, at the present moment, there was any sub-lieutenant of artillery on half-pay.

Sir *H. Hardinge* said, that there was no sub-lieutenant on half-pay, except such as were disabled and unfit for active service.

Mr. *Hume* said, that he would take that opportunity of praising the conduct of Government in bringing every officer on half-pay of the Artillery and Marines into full-pay, instead of appointing young men to new commissions. A system, the very reverse of this, had been adopted in the army, by which the country had lost several hundred thousand pounds every year for some years back.

Grant agreed to.

The next grant was for a sum of 62,655*l.*, for the Consolidated Ordnance and Barrack Superannuations, in Great Britain, Ireland, and the Colonies.

Mr. *Hume* asked the Chancellor of the Exchequer whether it was intended to allow the Committee which had been recently appointed to examine into the subject of Superannuations, to inquire into the amount of Superannuations already granted, and into the degree in which persons to whom such Superannuations had been granted could be brought back to the public service.

The *Chancellor of the Exchequer* said, that it was not intended, when that committee was appointed, to allow it to inquire into the superannuations which had been already granted. As to the propriety of bringing back superannuated persons to the public service, that was decidedly one of the objects to which its inquiries would be directed.

Mr. *Hume* explained the motives which led him to put that question. About six weeks ago he moved for a return of the number of persons who had been admitted for the first time to civil offices within the last five years. That return he had not obtained, though he thought it very important to know what persons were admitted to office, and to superannuated allowances, during a time when so much talk was made about reductions. He had been informed that the Secretary at War had recently introduced eight individuals into office for the first time in his department. Now, if this were the fact, it was hardly defensible, seeing that there were individuals in that department now receiving superannuated pensions to the amount of 25,000*l.* every year. He wished to know whether there was any truth in this information.

Sir *H. Hardinge* had a very short answer for that question. Since he had been in the War-office, not a single appointment had been made in it. He believed that since the year 1815, not more than four or five clerks had been appointed altogether by his noble predecessor (Lord Palmerston).

Mr. *Hume.*—But has there been any appointment of temporary clerks?

Sir *H. Hardinge* said, that the hon. Member was most likely aware, that some laborious operations had been conducted by the War-office during the last year. Seven or eight of the principal clerks had been sent round to the head-quarters of the different regiments to get in various accounts. During their absence other clerks had been appointed to perform their duties at a salary of 5*s.* a day each. As soon as those inquiries were terminated, those temporary clerks would be dismissed.

Mr. *Hume* supposed that this was the foundation of the story which had reached him.

Grant agreed to.

78,455*l.* was voted for the Military Store branch in Great Britain, Ireland and the Colonies.

The next grant proposed was 66,122*l.* to defray the Command-pay and Extra-pay to Engineers, and allowances for their servants. It was agreed to, after an observation of Mr. Hume upon the strangeness of Engineers, who received such liberal pay, receiving double pay for any extra command.

115,413*l.* was granted for Ordnance Works and Repairs for the year 1830.

The next grant proposed was 194,335*l.* for repairs of Barracks, and the expenditure of Barrack-masters.

Mr. *Hume* asked why we should pay 7,000*l.* for the erection of barracks at Gibraltar? Taxes, and heavy taxes too, were levied on all British subjects in that place for the erection of the fortifications, and yet, instead of being applied to that purpose, they were quietly put into his Majesty's pocket. He considered that the taxes thus raised at Gibraltar were illegal, —they were raised by the King's warrant, and not in consequence of any vote of that House. Again, in Malta, 2,697*l.* was paid for the same object; and yet Ministers refused to tell Parliament either what revenue was raised in Malta, or what they did with it. So, too, in the West Indies, 30,000*l.* was applied to erect fortifications, though the 4½-per-cent duties were originally given to the Crown for that purpose. Talk of difficulties! why there could be none in England, when the public money was thus squandered upon objects for which the local governments either had provided, or could provide funds of their own. Again, in Canada, 66,000*l.* was devoted to barrack-building, independent of 1,000,000*l.* spent in fortifications. Why the people of England should pay that money, he could not conceive. If we continued to misgovern the Canadas, our barracks and fortifications would avail us not: if we governed them as freemen ought to be governed, they would find a sufficient defence in their own brave bosoms against all the attacks of the United States. At present, owing to our misgovernment, a civil war was all but raging in Canada. For his own part, nothing would please him better than to see the Canadas free and independent. This country would then be free of an annual drain of a million of money, and the Canadas would be prosperous and flourishing states, taking much more of our manufactures than they did in their existing state of thraldom. In Nova Scotia, too, we erected barracks at the public expense; as well as at the Cape of Good Hope, where he saw a charge of 9,000*l.* debited to the public for the same purpose. That colony would pay all its expenses, if it were not unfortunately kept in leading-strings by its most sapient governors. There was a large charge for the same object under the head of Mauritius and Ceylon, though it had been stated that those colonies would gladly pay all their expenses if we would only admit their sugar at a less duty. Then there was 1,135*l.* for barrack-building at Sierra Leone, a place which we ought long since to have deserted. He concluded by asserting, that if the House would but appoint a committee to inquire into the expenditure of these sums, this grant would be reduced to a twentieth part of its present amount.

Mr. *R. Gordon* observed, that it had been stated that all the expenses of barracks and fortifications in the West Indies ought to be paid out of the 4½-per-cent duties. Now those duties had been misappropriated for a long time past, under various pretexts. His hon. friend, the member for Aberdeen, had moved for a return of the sums thus obtained during the last few years, and that return had been put into the hands of hon. Members that morning. All persons who held West-Indian property had recently been great sufferers from the depreciation which it had undergone; and as those 4½-per-cent duties were paid in kind, he was afraid, that owing to the depreciation of West-Indian produce, the Crown would not be able to pay the pensions which it had granted upon them. To his great surprise, however, he found, that in the last two years they had doubled, and nearly trebled, their former amount. They used to amount to about 28,000*l.* or 29,000*l.*; in the year 1828 they had amounted to 62,000*l.*; and in the year 1829, to 66,000*l.* How had this increase been effected? By calling in the aid of his Majesty's Attorney and Solicitor General. They had discovered that the King's sugars were not liable to duty; and thus no duty had been paid upon them since the 25th of March, 1826. Thus his Majesty now got the whole profits arising from the sale of the sugar, whilst formerly those profits were diminished by the payment of the duty upon them. He called the attention of the House to this paper, which had only been presented that day, and which had, on that account, perhaps, escaped the vigilant attention of his hon. friend the member for Aberdeen.

The *Chancellor of the Exchequer* said, that the Act of Parliament prevented Government from imposing any charges upon these 4½-per-cents in the West Indies, except for the payment of the Church, and some other services. This was the opinion of the law officers of the Crown. The remainder of the expenditure was made up from the general colonial funds.

Mr. *Hume* said, that the sugar duties had, however, come regularly in, and been carried as usual into the funds of the Exchequer. In 1817, they left a surplus of 2,000*l.*, and in the last year upwards of 66,000*l.*—where was the balance?

The *Chancellor of the Exchequer* said, that these receipts had been regularly accounted for.

The Resolution agreed to.

In answer to a question from Mr. Hume,

Sir *H. Hardinge* said, that the expense of the barrack department had been reduced 42,000*l.*, and that in the year 1825, in consequence of an inquiry instituted by the Duke of Wellington into all the barrack buildings of the Colonies, a great saving, both in point of expense and health, had been obtained by the use of iron bedsteads instead of wooden ones, and instead of hammocks.

Mr. Perceval moved, that a sum not exceeding 211,213*l.* be granted to defray the Civil and Military Contingencies of the Office of Ordnance for the year 1830.

[Some conversation ensued upon this Resolution, respecting the expenditure of the Ordnance survey of Ireland, from which it appeared that the Irish grand juries had requested to have the maps made on a particular scale, they contributing part of the expense; the maps were in progress accordingly, but no money had been paid.]

The Resolution was agreed to, as well as another of 2,600*l.* for defraying the charges and fees payable to the Exchequer on account of the Ordnance.

Mr. *Maberly* said, he would, on a future occasion, oppose this mode of receiving with one hand and paying with another in the public accounts.

The *Chancellor of the Exchequer* said, he would have the subject examined next year.

Mr. *Hobhouse* wished to know whether the barracks at the Mews at Charing Cross, were to be still upheld, to deform the new and expensive improvements made in the same neighbourhood.

Mr. *Perceval* said, that quarters would be kept there for the original number of soldiers.

Mr. *R. Gordon* objected to these barracks, more particularly as it was intended to billet soldiers on those who sold beer under the new regulations. This would, from the great increase of such traders, take away the excuse for having these barracks for military accommodation.

The Resolution agreed to.

The House resumed: the Report to be received on Monday.

SCOTCH COURTS OF SESSION.] The Lord Advocate moved the second reading of the Scotch Courts of Session Bill.

Sir *Charles Forbes* gave notice, that he would propose an augmentation of 1,000*l.* a-year to the salaries of Scotch Judges. They were exposed, from their station, to great expense, and yet they were very poorly paid, considering the incomes allowed to English Judges. He enforced the necessity and propriety of this augmentation, and said he would use his utmost efforts to accomplish it. He merely spoke from the impulse of common justice, having received no communication on the subject from the learned persons themselves.

Mr. *R. Gordon* pointed out the distinction between the duties of the Scotch and English Judges, which was greatly in favour of the former, from the better division of labour. He said, the salaries of the Scotch Judges were raised in 1810, when the articles of life were sold at very high prices, and they had so continued ever since. Considering the present value of money, and the labours of the Judges, he was convinced they were sufficiently paid.

Mr. *Cutlar Ferguson* was much obliged to the Lord Advocate for having introduced this Bill, and he hoped he would carry it through. In his opinion the Scotch Judges ought to receive an additional remuneration.

Bill read a second time; to be committed on the 20th of May.

HOUSE OF LORDS,

Monday, May 3.

Minutes.] The Royal Assent was given by Commission to the Four-per-Cents Reduction Bill, the Haymarket Removal Bill, and several private Bills.

Returns presented. The Fourth Report of the Commissioners of the Metropolis Turnpike Roads:—A List of Hong Merchants at Canton, stating their powers and privileges.

Petitions presented. Against the opening of the Beer Trade, by Lord Wharncliffe, from the Publicans of Elland and Sheffield. Against the Punishment of Death for Forgery, by the same noble Lord, from the Inhabitants of Haworth, near Bradford:—And by the Earl of Shaftesbury, from Chipping Norton, Luton, and Boston. For throwing open the India Trade, by the Earl of Rosslyn, from the Magistrates and Burgesses of Kinghorn; and from the Inhabitants of Barnard Castle and Stockton-upon-Tees:—And by Lord Holland, from the Inhabitants of Nottingham. Against the increased Duty on Spirits, by the Earl of Rosslyn, from the Justices of the Peace, Commissioners of Supply, and Freeholders of the County of Fife:—And by the Earl of Albemarle, from the Norfolk Agricultural Society. For the Abolition of Slavery, by the Duke of Norfolk, from Protestant Dissenters at Sheffield. For holding the Assizes of the West Riding of Yorkshire at Wakefield, by Lord Wharncliffe, from the Inhabitants of Wakefield. For removing the Disabilities of the Jews, by Lord Bexley, from the Jews of Bath. For a reformation in Parish Accounts, by the Duke of Richmond, from George Gunning, of Frindsbury. Praying for Relief, by the Duke of Devonshire, from the Weavers of Bandon. Against the employment of Climbing Boys, by Earl Gower, from the Inhabitants of Newcastle-under-Lyme. Against the Truck System, by the Earl of Shaftesbury, from the Clothiers of Lyme Regis. For the Repeal of the Malt Duty, by the Earl of Albemarle, from the Inhabitants of Grimshoe. The Marquis of Cleveland presented several Petitions from the Mining Districts of Arkingarthdale, Middleton in Teesdale, and of the Derwent, complaining of severe suffering from Distress; and praying that the Protecting Duty should be raised to 4*l.* against the importation of Foreign Manufactured Lead, and 3*l.* against Foreign Lead Ore.

[The noble Marquis said, the inhabitants of the district from which he presented these Petitions were suffering great and unexampled distress, and not being able to find any other employment than mining, they had no means of obtaining the least relief. They had been gradually sinking into ruin since 1825, when the import duties on Lead were lowered to 2*l.* and 1*l.* 10*s.* per ton, which permitted Lead to be imported at so cheap a rate from Spain that the petitioners found no market for their ore, and no demand for their labour. The peculiar distress of these people called on their Lordships to inquire into it, and, if possible, devise some means of relief.]

East Retford Election Bill.] On the Motion of the Marquis of Salisbury, their Lordships proceeded to the further hearing of evidence for this Bill. Mr. Evans, who had been formerly the sitting Member, was examined. His evidence went to establish the fact of the sums employed to secure the votes at the elections for East Retford.

Further proceedings postponed until this day week.

HOUSE OF COMMONS,

Monday, May 3.

Minutes.] Mr. R. Colborne brought up the Report of the Committee appointed to inquire into the merits of the Election for the County of Limerick: the Committee reported that S. O'Grady, Esq. was not duly elected to serve as Knight for the County of Limerick; that J. H. M. Dawson, Esq. was duly elected, and ought to have been returned to serve as such Knight,—that neither the petition of J. H. M. Dawson, Esq. nor the opposition of S. O'Grady, Esq. was vexatious or frivolous.

Returns ordered. On the Motion of Mr. Hume, of the number of Officers and Professors at the Royal Military Academy at Woolwich, with their Salaries and Allowances, with the Charge for the Company of Gentlemen Cadets, their number in 1816, the number admitted since, and the number sent into the Artillery and Engineer Corps; also the Expense incurred for Buildings and Repairs at that Academy:—Of the Rates of Duties paid on Articles imported from the British Possessions east of the Cape of Good Hope:—Of the number of Registers of Seisins established in Scotland, stating where each is kept:—Of the number of Hornings and Captions issued through the Signet-office, Edinburgh, in 1828 and 1829, with the Expense of each:—Of the number of Notaries Public admitted in Scotland in 1828 and 1829:—Of the Emoluments of the Clerks of the Peace; of the Keepers of the Registers of Seisins; and of the Sheriffs' Clerks of each of the Counties of Scotland, stating the sources whence their incomes are derived, and whether or not the duty is performed by deputy. On the Motion of Sir JOHN NEWPORT, of the Sums paid into the offices of First Fruits and Tenths during the last ten years, distinguishing the persons on whose account the payments were made:—Of the Sums of Money raised by Taxes, independent of Loans paid into the Exchequer of Great Britain and Ireland, from 1786 to 1801, and from 1801 to 1816, distinguishing the amount raised each year.

Petitions presented. For the Repeal of the Malt and Beer Duties, by Sir E. KNATCHBULL, from the Inhabitants of Yalden, Hunton, East Peckham, Hougham, and several other parishes in Kent. Against the Sale of Beer Bill, by Sir E. KNATCHBULL, from the Licensed Victuallers of Gravesend and Milton:—By Mr. BRAMSTON, from the Brewers of Saffron Walden; and the Licensed Victuallers of Uttersford, Clavering, and Freshwell:—By Mr. BASTARD, from the Proprietors of Licensed Houses in Plymouth, Stonehouse, and Devonport:—By Mr. BURRELL, from the Inhabitants of Brighton:—By Lord STANLEY, several Petitions from Licensed Victuallers in different parts of Lancashire:—By Mr. MUNDY, from certain Persons in Derby:—By Mr. CURTEIS, from the Licensed Victuallers of the Lower Division of the Lathe of Scray, Kent:—By Mr. EGERTON, from the Publicans of Macclesfield:—By Mr. HODSON, from the Inhabitants of Wigan:—By Mr. HUME, from G. and W. Everith, in the County of Somerset:—By Mr. DENISON, from certain Householders of Epsom:—By Sir W. GUISE, from the Proprietors of Public Houses at Stroud:—And by Mr. LITTLETON, from the Publicans of Godmanchester and Huntingdon. Against the Punishment of Death for Forgery, by Sir W. GUISE, from the Inhabitants of Stroud and Nailsworth:—And by Mr. FYLER, from the Inhabitants of Leominster. Against the Stamp Duty of 10*l.* upon the Admission of a Member to any College of Surgeons, by Mr. W. DUNDAS, from the Royal College of Surgeons, Edinburgh. In favour of the Bill for the Relief of the Jews, from the Clergy and other Inhabitants of Ashton-under-Lyne, by Lord STANLEY. Against the Abolition of the Local Judicature of the County of Chester, by Mr. EGERTON, from the Merchants and Manufacturers and others of Chester and Stockport. For the Abolition of the East India Company's Monopoly, by the same Gentleman, and from the same Parties. Against the Duties on Coals carried Coastwise by Mr. LIDDELL, from the Ship-owners of Newcastle. For a Reduction of Taxation, by Sir W. GUISE, from the Inhabitants of Randwick. Against the Truck System, by Mr. LITTLETON, from the Inhabitants of Wellington, (Salop.)

BEER BILL.] Mr. *Portman* asked, whether it was the intention of Government to prevent Beer sold by persons who might take out Excise licenses under the provisions of the Bill before the House from being drunk on the premises where it was sold?

Mr. *George Dawson* said, that in the absence of some of his colleagues, who could more properly have answered the question of the hon. Member, he had no hesitation in declaring, that it certainly was the intention of Government to act upon the recommendation of the committee, and to permit Beer to be consumed on the premises where it should be sold. Government felt that if it should come to any other decision on the subject, it would be completely nullifying all the benefit to be derived from the project of throwing open the trade.

Mr. *Heathcote* suggested, that no persons should be permitted to open houses for the sale of Beer, until they produced sureties for their good conduct.

Mr. *Benett* wished a clause to be introduced in the Bill, rendering it compulsory on the keepers of the new public-houses to shut up soon at night, and open late in the morning.

Mr. *George Dawson* thought, that hon. Members should reserve their suggestions until the Bill was in committee.

Mr. *Portman* said, that he would take the sense of the House with respect to the point to which he had referred on the second reading of the Bill.

Mr. *Bright* said, that he considered the Bill before the House only a half-measure, because it did not repeal the duty on Beer. He wished to know whether it was the intention of Government to introduce a separate Bill to repeal the Beer duty.

Mr. *George Dawson* replied, that such was the intention of Government.

Mr. *Monck* could assure the members of his Majesty's Government, that several clauses in the Bill were viewed with much alarm, and certainly they would inflict serious injury on the brewers and publicans. The Bill in its present state, would be an act of spoliation and confiscation of individual property. He certainly should, when the Bill was in a committee, move a clause to restrain those persons who might take out Excise licenses, from allowing the Beer they sold to be drunk on their premises. It was the intention of the legislature to make the trade in Beer free, but not to create an unlimited number of alehouses.

Mr. *Hume* trusted, that the Government would persevere in carrying this measure through, which he conceived would be highly beneficial to the community, notwithstanding the opposition excited against it by interested persons. He admitted that private property might suffer to some extent; but not equal to the benefit which would accrue from destroying an odious monopoly.

Lord *Stanley* could also inform the Ministers, that a considerable degree of alarm and apprehension prevailed in the county of Lancaster, where it was supposed that much mischief would ensue from these new houses not being under the control of the magistrates. He was of opinion that, as the Bill then stood, it would cause considerable inconvenience; and he hoped that it would receive several modifications before it was passed into a law.

Mr. *Denison* expressed his hope, that when the Bill came before a committee, some means might be found to prevent effectually those scenes of drunkenness and debauchery which it was to be apprehended would ensue, from one end of the kingdom to the other, if the Bill were passed in its present state.

Mr. *Slaney* hoped, that such restrictions would be introduced as would prevent the occurrence of those scenes which many Gentlemen anticipated, if the measure were allowed to remain in its present shape; but he wished at the same time, that the spirit of free competition in the Beer-trade should be preserved.

The *Chancellor of the Exchequer* said, his object was, to have a free trade in Beer, without any restriction as to its being drunk on the premises where it was sold. At the same time, he was willing and ever anxious to hear any suggestions which would tend to make the Bill more palateable to those whose interests ought to be considered; so far as that could be done without infringing on the principle of the measure.

TRUCK-SYSTEM.] Lord *Stanley* in presenting a Petition from the Manufacturers, Tradesmen, and others of Heaton Norris, against the Truck-system, stated, that this system gave great advantages to a few rich men, who acquired immense profits at the expense of the labourers. On a former occasion, he had supported a Bill brought in by a friend of his, to put a stop to this system; but the operation of that Bill was limited to two years. At present, the masters had joined the workmen, in complaining of this system; which was as injurious to the manufacturers who did not adopt it, as to the workmen who were its more immediate victims. He heartily concurred in the prayer of the Petition, and he would give the measure of his hon. friend, the member for Staffordshire, all the support in his power.

Mr. *Bright* said, that the benefits of the proposed measure were so obvious, that the lower classes, ranged under their natural protectors, the clergy of the country, were coming forward to entreat the legislature to support it. In his opinion, it would be impossible for the country to go on for any considerable period with the labourer deprived of his wages, and exposed to be continually fleeced by those who were bound to be his protectors. Who would believe, were it not explicitly stated, that when labourers who were in want of subsistence applied to their masters for wages, they were paid in umbrellas, watches, and toys, which they could neither use themselves, nor convert into the means of subsistence. They were exposed, by such conduct, to the most severe distress, and it was high time that a law should be passed and enforced to put an end to these practices. By them, too, the retail trader was grievously injured: for the labourer, having no money, was obliged to have recourse to his master's warehouse for every thing—and if he went elsewhere to buy what he wanted, he was turned out of employment. To keep up this system, the masters combined in all the manufacturing districts, and reduced the men to slavery; at least, he could not call the man free who could not change his service, however ill he might be used, and who got for his labour no other reward than the master pleased. A remedy for this state of things, like the Bill of the hon. member for Staffordshire, was in his opinion much wanted. It was the opinion of Adam Smith, that the legislature was always too much influenced by the masters in making regulations respecting wages; and he might therefore say, that there was the best authority for the necessity of interference in favour of the men. There were numerous petitions also on the subject; and all the petitioners represented the system as a pressing evil. They did not complain from any far-fetched doctrines, or any metaphysical reasonings—they felt what they complained of, and they felt it most severely. One petition, which said that the petitioners had long looked upon this system with silent grief, stated, that the masters supplied their men with every thing, from a penny lace to a suit of clothes. This petition, which he lately presented, was from the mechanics of Nottingham; who were remarkable for their love of science, and for the improvements they had made in the arts. They were not persons of high rank, but they were sensible clever men. It was unnecessary, however, for him to go further into the case, particularly after the statements made by the hon. member for Staffordshire, to whom the country was deeply indebted. He had only been induced to trouble the House so far, on account of the vital importance of the question, he not having found on any previous occasion, a convenient opportunity of delivering his sentiments on the subject.

Sir *John Newport* thought, that the House would never get through its business, if the Members all chose to make long speeches, and get up debates on presenting petitions. The very subject on which the hon. Member had just addressed the House, was to come before it that evening, in a regular manner, and though he did not like to interrupt him, he hoped that no other hon. Member would pursue the same course, as the hon. member for Bristol.

Mr. *Littleton* stated, that though the Bill stood for discussion that evening—it was not likely that he should be able to bring it before the House. As the means of carrying its provisions into effect were of great importance, it had been printed and circulated through the country, and so many suggestions had been received that it must be revised. He thought it would be most advisable to refer it to a committee up stairs; and he hoped the hon. member for Aberdeen would not oppose the motion he should make for that. There was no measure then under the consideration of the House of such importance as the bill for putting an end to the Truck-system.

Mr. *Hume* would not oppose that motion, not because he had abandoned his opposition to the Bill—but because it was his wish that the machinery of the Bill might be made as perfect as possible, before he stated his views on it. He was much surprised by the observations of the hon. member for Bristol, who seemed ready to legislate on any principle, or even on no principle at all. He would, however, wait till next week before he would state his reasons at length for opposing the Bill.

Mr. *R. King* concurred in the views of the hon. member for Staffordshire, and he was sorry to be obliged to inform the House on the authority of his private letters, that the baneful Truck-system was extending to Ireland. A magistrate of the county of Cork, who lived in Bandon, and attended the petty sessions there, had informed him, that the operatives made numerous and distressing complaints, on account of this unjust practice. "A manufacturer," he says, "generally keeps a shop of dry goods, the poor workman is paid in full at one counter, but he is obliged to go to the other, (by a private understanding, that if he does not he will not be employed) where he receives a shawl, or a gown-piece, or a coat, or something that is useless to him, and at one-third more than he could buy it for, with his money at another shop; what he receives, he takes to the Pawn-office immediately, and pledges for half the amount he was obliged to give for it, and most probably he never afterwards redeems it—he being ground down in his weekly pittance of subsistence money for his family, by the present low price of labour, on account of the great depression of trade. If he complains to a magistrate, he gets no more employment from the person complained against, nor will others trust him; thus, he must patiently suffer the robbery, or starve." This was a crying evil, and no injustice would be done to any one, if the legislature were to make the masters give the labourers their hire, of which it had been said of old, the labourer was worthy. The hon. Member's Bill was not to extend to Ireland, but he trusted the time was not far distant when that would be the case, and when the laws of the two countries, would, in every respect, be assimilated and administered alike, and then, and not till then, would the advantages of the Union be realized, and the two countries would be one.

Mr. *O'Connell* hoped the hon. Member did not wish for an assimilation of taxation, as that would only aggravate the evils of Ireland.

Petition to be printed.

TAX ON STEAM-CARRIAGES.] Lord *Stanley* presented a petition from certain owners of stage-coaches, calling on Parliament either to repeal the act by which licenses are required to be taken out by stage-coach proprietors, or to extend its provisions to carriages carrying passengers or goods for hire, and moved by Steam. He wished to know whether the Chancellor of the Exchequer intended to introduce any provision with respect to this subject?

The *Chancellor of the Exchequer* said, that it was his intention to propose a measure by which stage-coaches, whether drawn by horses or impelled by steam, would be placed on an equality.

Petition to be printed.

FORGERY.] Mr. Liddell presented a petition from the Clergy, Bankers, Merchants, and Inhabitants of North Shields, against the proposed alteration in the law relative to Forgery. The petitioners were of opinion that the bill, if passed into a law in its present form, would defeat the object which it was meant to effect, and, instead of decreasing, would increase the crime of Forgery.

Sir *J. Macintosh* said, he believed, and indeed he knew, that this Petition would be followed by many others of a similar nature. He gave notice, that whenever the proposition to commit the Forgery-bill should be brought forward, he, or some of his hon. friends who possessed greater ability, meant to move, on the question that the Speaker do leave the chair, that it should be an instruction to the committee to introduce such mitigatory amendments as would bring the measure to the standard of effective justice, which he believed was the object that the right hon. Gentleman who introduced it had in view. Being on his legs, he begged leave to observe, that he had received no information which would authorise him to postpone the second reading of the bill relative to the Registrar of the Supreme Court of Madras beyond Wednesday, for which day it stood. If, between this time and that, a hope should be held out to him that an early day would be granted to him for moving the second reading, and he thought the discussion would not exceed three hours, he should feel most happy to consult the convenience of gentlemen, and to postpone it. If, however, no hope of that sort were held out, he should be under the necessity of bringing the question forward on Wednesday next, however unpopular that day might be. He believed he was now the only suitor, except one, who requested that a short time should, at an early day, be allowed him for the discussion of this measure, and he made the application more for the convenience of others than for his own. Unless, however, he received some assurance that this indulgence would be extended to him, he must move the second reading of the bill on Wednesday.

The *Chancellor of the Exchequer* said, he was in such a situation, that however anxious he was to comply with the wishes of the right hon. and learned Gentleman, he could not make any promise on the subject. There was so much public business to be proceeded with, that it was not in his power to give any pledge to the right hon. and learned Gentleman.

Petition laid on the Table.

COMMITTEE OF SUPPLY.] The *Chancellor of the Exchequer* moved that the House resolve itself into a Committee of Supply.

The question was put, that the Speaker leave the Chair.

Mr. *R. Gordon* said, that any observer of the proceedings of the House, not thoroughly acquainted with its constitution, might sometimes be surprised at the manner in which Members voted away the money of their constituents. Most hon. Gentlemen, when the question of Supply came before them, took their departure, and the few who remained yawned, and exhibited other unequivocal symptoms of weariness, amounting to something very like disgust. The observer, under these circumstances, would find it difficult to reconcile what he saw with that boasted sympathy of the representative with the wants and wishes of the people, which was attributed to the House by its too zealous admirers. He was led to this observation by the sort of official sneer with which the useful labours of the hon. member for Aberdeen were generally greeted, especially on a recent occasion, when he was almost censured for his activity—just as if activity in relieving the public burthens was not the most important duty of the Members of that House, and was to be construed into an imputation. But how the Estimates could be properly investigated without patience and activity on the part of the Representatives of the people he did not know. Finance was certainly not a very inviting subject—it was difficult to frame an amusing argument upon questions of two and two; figures of rhetoric had little connection with figures of arithmetic; trope, figure, and metaphor, did not accord well with pounds, shillings, and pence, and eloquence never harmonized with calculations. Hence it always happened and would then happen, did he consent to the Speaker leaving the Chair, that the Estimates were usually discussed and examined by a select few: the same instances of abuse were quoted, and the same explanations offered, year after year, with as little advantage in the last as in the first. Over and over again it had been recommended that Ministers should recast the Estimates during the Recess, and over and over again they had politely stated that they would attend to the recommendation. This course would, no doubt, be adopted in the present Session; but as soon as it was at an end, the Chancellor of the Exchequer would be sure to forget his promise, and next Session all would remain to be done over again, in the very same way in which it had been so often done before—the same financial farce would be repeated by the same actors, and probably with little variation in the parts. He therefore requested those who heard him to pause, in order to consider whether it would not be a much wiser course to refer the Estimates to a Select Committee, by which they might be deliberately examined, if necessary, with the assistance and explanation of oral evidence. As it might be required of him to state some case, in order to show the necessity of such a proceeding, he would notice a few of the items in the Estimates; not because he would say, *ex his disce omnes,* but because he wished to show that there was some ground for further inquiry. He would take the first item of the first page of the Miscellaneous Estimates—"Public Works"—for which the sum of 32,000*l.* was now required, when only 28,000*l.* was asked last year. Thus in this happy year of retrenchment, economy, and relief from taxation, 4,000*l.* more were demanded than last year. Such an addition might perhaps be justified, and it might be described as intended to promote the national advantage, but the present was not a time to consider what was advantageous, or even what was useful, but what was necessary: and the point of absolute necessity ought always to be established before a single shilling was voted. An account had been laid before the Finance Committee of the charge for Public Works for three years—1803, 1828, and 1829.

In 1803 it was	£40,000
In 1828	27,000
In 1829	28,000

and yet at this moment the sum was swelled to 32,000*l.* This was one item on which explanation ought to be given before a committee. Another circumstance deserved notice; a Return had been made of all houses or apartments occupied at the public expense, as the residences of public officers, &c. and the House would be surprised to hear, that including repairing, furnishing, &c. it amounted, in five years, to no less a sum than 125,688*l.* This was another item which he thought the people would not be grievously dissatisfied to see explained. Reverting to the head of Public Works, he might remark, that our national buildings were not remarkable for their good taste; it could not be said that they were ornamental as well as expensive; in fact, there was not a city of the world which was so disgraced as the metropolis of this country, both by the edifices themselves, and the silly cost at which deformity was purchased. Passing over the Estimates for the Harbours of Portpatrick, Donaghadee, and George 4th leaving these subjects to his hon. friend behind him, he would refer briefly to the expenditure for Windsor Castle. He was aware of the difficulty of dealing with that subject but he was also convinced that no one shewed more urgently the necessity of further investigation. The repairs had been commenced when what was called a God-send had been received from Austria, and Ministers really did not know what to do with the money. It was resolved, however, to apply part to the building of churches, and part to the repair of palaces; and 300,000*l.* were appropriated to Windsor Castle. It was then more than hinted that a larger sum than that would not be expended; and Lord Goderich, then Chancellor of the Exchequer said, that "He had no hesitation in saying that nothing was contemplated, or could reasonably be contemplated, with regard to Windsor Castle, which would cause the expense to go beyond 300,000*l.*" When Lord Farnborough, then Sir Charles Long, was asked how it was possible to control the outlay, he had replied, that nothing was more easy, as it would be the duty of the architect to bring his estimate within a specified sum. What was the result? The original estimate of 300,000*l.* was first increased to 500,000*l.*, and afterwards to 644,000*l.*; and in the year 1828, the present Chancellor of the Exchequer had observed, that 50,000*l.* more would be necessary to complete the undertaking. In the year 1829, Parliament was called upon to vote 800,000*l.* for the furniture and improvements of Windsor Castle. They were now called on for 900,000*l.*, which was triple the original estimate, though Lord Goderich told them, at the time he made his motion in that House upon the subject, that he could not contemplate the possibility of increase. But that vote would not be the last, for it had been stated in the Finance Committee, that the sum required to make Windsor Castle a fit residence for the Monarchs of England would be 1,200,000*l.* Did not that, then, supply ground for minute and instant inquiry by a committee up stairs? He believed there were not many Members in that House, who allowed themselves to think, who did not feel the necessity of an inquiry. He would then proceed to the third point—the building of Churches in the West Indies. In the year 1827, 8,000*l.* was voted: in 1828—*annus mirabilis*—only 2,500*l*; in 1829, 5,000*l.* was granted; and in 1830, 6,000*l.* was proposed to be granted; that was another case which he conceived called for inquiry. He now proposed to come to No. 2—the deficiency of fees. His hon. friend, the member for Aberdeen had often called the attention of the House to the subject, and the Finance Committee had also done something, but not enough.

In the year 1827 the fees of the Home Office amounted to 20,000*l.*—the Foreign Office amounted to 8,000*l.*—those of the Colonial amounted to 3,700*l.*; these items were added together, and the sum divided. Now that, he thought, was an unfair and unjust arrangement, and one which he conceived required revision, and ought to come under the consideration of a committee. With No. 3 he would allow the Government to do as they pleased, with one exception—the Refuge for the Destitute; the charge for that was indeed only 3,000*l.* for the present year, but it had been 4,000*l.* and 5,000*l.* He did not quarrel with the institution, but he objected to its being supported at the expense of Government. It was generally found, when any establishment was supported for a time by voluntary subscription, that as soon as Government came to its aid with public grants, then private subscriptions began to fall off. The case of the Irish charitable institutions afforded the most striking confirmation of that assertion. No. 4 contained a most melancholy list, not one of the items of which ought to be passed over without a minute inquiry—every one of them deserving the most serious and deliberate attention. He could not go through all the particulars; did he attempt to do so he should only weary the House, but he thought that very circumstance afforded the strongest evidence that a Committee of Inquiry was demanded. There were the expenses of captured negroes, of commissioners for preventing an illegal traffic in slaves, of special commissions, and of Consuls-general to the new States of South America, all included in this list. To most of the items he should only allude thus generally; but the consular system, which was now placed upon a new footing, deserved some remarks. Instead of being paid, as heretofore, by fees, salaries were given to the Consuls, and for this purpose the sum of 30,000*l.* was demanded. Up to the year 1826 the total amount for Consuls was 49,000*l.*; it had since been increased, and it now was three times that amount. How long that system would go on it was not for him to determine; but he thought the statement of the fact strengthened the reasons he had already urged in favour of a Committee of Inquiry. Every person with whom he had communicated, preferred the old system to the new one, because it insured the despatch of business. The new system was adopted because the fees were in some cases enormous; but the proper plan would have been to regulate the fees. He now came to the last paper; he rejoiced that he had done so, and he had no doubt that the House would rejoice at that circumstance too. No. 5 involved the question how far the Colonies ought to pay their own expenses, at what time Sierra Leone should be abandoned, and various other questions of that kind; and he therefore wished to decline entering into any discussion about the Colonies; but the reasons which weighed with him in coming to that resolution, were the very reasons why a committee should be granted. The next point he should refer to, was the grant to the Society for Propagating the Gospel in Foreign Parts. In 1814, the grant was 3,600*l.* and from that period to the present it had gradually increased, until the grant now before the House amounted to 16,182*l.*; and the whole sum paid during a period of sixteen years was not less than 200,000*l.* for the propagation of Christian knowledge in foreign countries, and chiefly in our own Colonies. He objected to this the more particularly, because the established reformed religion was not, in many of our Colonies, the predominant religion, but the very reverse. Looking through the whole of those items, it was not to be questioned that they were such as demanded a Committee of Inquiry. Was such a course without precedents? Quite the contrary, numerous precedents might be found in its favour. A committee had been appointed to examine the Irish Estimates; why not the English?—the case was as strong for the one as for the other. This he knew, that when the committee did go into the Irish Estimates, jobs were discovered of which the Ministers themselves had not the slightest notion. He appealed to such of his Majesty's Ministers as were members of that committee, than whom, he cheerfully confessed, he never knew honester or more zealous members of a Committee. He appealed also to the Noble Lord who was chairman of that committee, if his statements on the subject were not well founded with respect to the extraordinary jobs discovered through the industry of the members of that committee? It had been suggested to him not to take the division on the general question of the appointment of a committee; neither did he propose to divide the House affirmatively or negatively with respect to particular votes, but when each in succession came before the committee, he intended to move its postponement, with a view to the whole being referred to a committee up stairs. He would not trouble the House then with any further observations, but he would call upon hon. Members, to ask themselves how they proposed to face their constituents, if they did not vote for inquiry into the Miscellaneous Estimates? The hon. and learned member for Clare whispered "Such of them as have constituents," which was a proper limitation. There was much justice in the remark, for many of them had no constituents, and it was to be observed that many of the supporters of his Majesty's Government were amongst the number of those who had none. Nothing could be more true than that amongst those supporters there was a sad scarcity of Members who had constituents. The hon. member for Westminster had called the present a good weak Government. But let it be good or let it be weak on this occasion, he did not care a farthing for the principle, so long as it acquiesced in the proposal he had made.

Lord *Rancliffe* said, he would support the hon. Member in objecting to the items he had mentioned.

The *Chancellor of the Exchequer* said, that his hon. friend had gone so much into details, that he thought it would be better to answer his observations on each item, as it came before the Committee.

Lord *Althorp* concurred in the observations of his hon. friend, and thought that the principle upon which Government proceeded was wrong. Public works, if they were really required, ought to be carried into effect at once, and not executed piece-meal, from a false economy; on the contrary, if they were not required, they ought never to be commenced under any pretence whatever. By not attending to these principles, immense sums had been wasted. The Breakwater at Plymouth—a really useful undertaking—had, by being carried on through so long a period of time, been made unnecessarily expensive to the public. He agreed with the hon. Gentleman that it would be better to allow the House to go into a committee, postponing such items as were objectionable, for the purpose of its being examined into by a committee up stairs.

Sir *John Newport* said, that he also concurred in the propriety of first going into a Committee of Supply, and then referring every item of the Estimates that was in the least objectionable to a committee up stairs. The House had been repeatedly drawn into voting money, under the idea of doing things by degrees; and the consequence had been, that the extent of the work had turned out much greater than the House had any right to expect. Another strong ground of objection was, that money was frequently disbursed before any proposal whatever had been brought before Parliament. This had been very much the case with respect to the works of Canada, which had been carried on to an immense extent before Parliament heard anything about them. In other times such conduct would have subjected Ministers to the severe censure of the House.

Mr. *O'Connell* complained of the very heavy charges incurred in some of those Estimates. At a time when taxation was reduced in England, but when it was increased in Ireland, when great distress prevailed in that country, and was every day becoming more severely felt, it was intolerable that a sum of 160,000*l.* should be asked for works in Canada, and 100,000*l.* in addition to former grants for Windsor; while at the same time upwards of 300,000*l.* increased taxes were levied on Ireland. Under these circumstances, he would appeal to the House whether these Estimates ought to be voted without previous examination.

Mr. *Hume* was of opinion, that a Committee of Supply was not the place for entering into the facts of a case; one assertion was always met by another, and nothing further could be got at. He contended that the sums proposed to be voted under the heads of the five numbers now to be submitted to the Committee, amounting to 1,625,000*l.*, were grossly extravagant. The noble Lord had stated that the objectionable votes ought to be set aside and referred to a committee. He considered every one of those votes objectionable, and would have the whole of them set aside for examination. Last year, the Miscellaneous Estimates amounted to two millions and a half, which before the French war would have covered half the expenses of the country, with the exception of the interest of the Debt. The Civil Estimates appeared to him to be as extravagant as the Military, and he therefore contended that both ought to go to a committee up stairs. He thought the example set in this respect by the United States of America was worthy of imitation,—that of referring every estimate for a public work to a select committee before it was submitted to the legislature for adoption. The select committee had power to examine all documents, and the officers by whom the work was to be executed, and the result was, that no works were carried on which were not proved to be of great public utility. Here, however, an expense of nine millions and a half, under the Duke of Richmond, had been incurred, when it was not expected that the charge would have been one million. So at Sheerness, in the building of the Arsenal, a vast deal of money had been spent to no effect—or, as he should call it, wasted. Let the House see what was the result of this difference of attention to the public expenditure. The United States, in 1817, had a debt of from 90 to 100 millions of dollars, of which, by good management, they had since nearly cleared off the whole, so that in two years they would be free from debt; but since 1817, our National Debt had remained unreduced. In his opinion, the whole Estimates ought to be divided into sixteen or twenty parts, for as many committees, in order that the House might have the benefit of their inquiries. At present the whole ceremony was a perfect farce, and it was a mere mockery to say that money was conscientiously voted. On occasions when such enormous sums were granted, it was difficult to obtain as many county Members as were present that evening, to vote about a mere private harbour bill. The fact was, that little or no attention was paid by the majority of the House to matters of public expenditure. Members took the items as Ministers proposed them, and it was not owing to the care of the representatives of the people that the expenses of the Government were not still greater. The country Gentlemen, who had the greatest influence in the House, were for the most part careless on such matters, and seemed to think little of their constituents. There were a few Members who endeavoured to obtain reduction, but of what avail were their exertions when the landed interest, which ruled that House, did not support them in their efforts? He hoped, as there would soon be a new election—[*Cries of "Order"*.] He was quite in order. It was the hon. Member who cried "Order" who was disorderly. He was perfectly justified in alluding to a new election. We were now in the fifth year of a Parliament, which it was known was seldom allowed to sit longer than six years, and on an average not five; but come when the election might,—if that would suit the hon. Member better,—he hoped that those constituents whose interests were now neglected would bear in mind the conduct of their present representatives with respect to the expenditure of the country. After again pressing the advantage of previous inquiry on the Estimates, the hon. Member observed, that he would not oppose going into the Committee of the whole House, but he would object to every vote which he thought extravagant.

Sir *M. W. Ridley* could not consent to the proposition of sending the Estimates to a select committee up stairs, because he thought the responsibility of Ministers ought not to be thus delegated to a body of men who were not responsible. Where inquiry was shown to be necessary on a particular vote he would not object, but he was opposed to the principle of sending the whole Estimates for inquiry, which ought to be presented to the House on the responsibility of Ministers. He was not disposed to follow the example of America, for from what he heard of the proceedings with respect to public works there, he was not disposed to think them very free from jobbing and corruption.

Colonel *Davies* would be glad if his hon. friend (Sir M. W. Ridley) would point out any one instance of practical responsibility on the part of Ministers. Let the House look at the whole conduct of Government—at its foreign and domestic policy, carried on against the opinions of the people,—at Ministers coming down to that House, proposing and carrying any measure they pleased,—at their disregard for the recommendations of committees, and their continuance of appointments of which those committees had recommended the abolition—and then say what became of responsibility. When they thought themselves weak, then, indeed, they were all candour and deference to the opinion of the public; but when they saw any symptoms of division or doubt in their adversaries, then they speedily assumed again their tone of arrogance and defiance. Let them only look at the Lieutenant-generalcy of the Ordnance. Twice had a Committee recommended the abolition of that office, and still was it kept up, though he had no hesitation in pronouncing it a most gross job.

The House then went into the Committee of Supply.

Mr. *G. Dawson* said, before addressing the Committee relative to the items which he should have the honour to propose to them, he would make a few remarks on what had fallen from his hon. friend (Mr.

R. Gordon.) In the first place he had complained that those who opposed themselves to the Ministry were sneered at. Now he thought that the hon. member for Montrose himself must admit that that was not the case. He therefore abjured the insinuation that had been thrown out. With respect to his intended motion, to refer the Estimates to a Committee up stairs, he had laid as little ground for its adoption, and given as few reasons in its support, as he had ever heard for any proposition in that House. He for one would oppose it, because he concurred with the hon. member for Newcastle, that to send Estimates to a committee up stairs would be to give up the responsibility of Ministers; and if he had had any doubt on the subject, it would have been removed by his experience of what took place in the committee on the Irish Estimates, for he saw on that occasion that the items were not examined with half the care with which they would have been considered in a Committee of Supply. He was surprised at the want of accuracy of his hon. friend in some of the statements which he had made. He stated that in the first item of Estimate No. 1, the charge for repairs of public buildings, furniture for public offices, &c., there was an increase of 4,500*l.* since last year, and on this he laid great stress. He was surprised at this want of accuracy in his hon. friend. The vote was 32,575*l.* this year, but there was no increase from the last year's Estimate. He had not the Estimate of last year by him, but he had the Act of Appropriation, in which the sum was given.

Mr. *R. Gordon*, interrupting the hon. Member, said, that to save him trouble, he would state, that he was right as to the increase, but was mistaken as to the date. He should have said increased in 1829, as compared with 1828.

Mr. *G. Dawson* would state the cause of that difference: the increase over the Estimate of 1828 was from having added the amount of taxes for paving and lighting and watching the different public-offices and houses of Parliament. In reference to these objections, it was only due to the present Chancellor of the Exchequer to state, that since his accession to office, no public work had been undertaken of which an estimate was not previously made, in order to form a judgment as to the expenditure it was likely to induce. Since the year 1824, the Miscellaneous Estimates had been gradually declining in amount, and they did not now exceed 1,935,000*l.*, in all, being a decrease of 310,000*l.* on those of 1829. The hon. Gentleman concluded, by moving that a sum not exceeding 32,575*l.* be granted to his Majesty for repairs, &c. of public buildings, for furniture, &c. for the various public-offices and departments, and for certain charges for Lighting, Watching, &c. defrayed by the Office of Works, for the year 1830."

Mr. *R. Gordon* said, he could only repeat the statement he had already made, which was correct in every particular but one. He should have taken the year 1828 instead of 1829. The item ought certainly to be referred to a committe above stairs.

Mr. *Dawson* observed, that a saving in respect to furniture for public-offices, and repairs amounting to 12,000*l.*, had been made in the Miscellaneous Estimates of this year.

St. James's Park.] Mr. *Hobhouse* wished to ask the noble Lord opposite whether it was the intention of his Majesty's Government to grant the public access to St. James's Park by Waterloo-place? He had on a former occasion stated, that if they did not do so, he should feel it his duty to move an address to the Crown. Existing circumstances prevented him from carrying that now into effect, but although deferred for the present, it should assuredly be fulfilled in the event of the Commissioners of Woods and Forests persevering in their determination. That public works should be exempted from public inspection, was a principle at once unconstitutional, unjustifiable, and repugnant to common sense. It was in the highest degree absurd, to pretend that Government should peremptorily decide on the mode in which the public works of a great and powerful metropolis, like London, were to be carried on, without any reference to the opinions or wishes of the inhabitants. Were their complaints to be silenced with the answer, that they were not entitled to exercise any control over matters in which they were so essentially interested,—that this was not a fit subject for interference or inquiry, but should be left to the responsibility of men in office? He quite agreed with the hon. member for Cricklade, in thinking that a fairer question could not be laid before a committee, and he should vote with him accordingly. The object, however, which he had more immediately in view, was the entrance to St. James's Park, already alluded to, with respect to which he would put it to the candour of the noble Lord at the head of the Woods and Forests, whether the public had not at least been under an impression that the privilege required was guaranteed and ensured to them by former declarations? Since the subject had been last discussed, he had carefully examined what the noble Lord and the right hon. Gentleman (Mr. Arbuthnot) were represented to have said on the occasion referred to, and their expressions appeared to him to justify and induce the expectation that it was intended to grant such access to the park as the public now demanded, in which opinion several other hon. Gentlemen decidedly concurred. But even admitting that the imputed promise had never been conveyed, was the fact conclusive upon a question such as this? These parks were created for the purpose, it was true, of adding dignity and beauty to the palace in which the Sovereign resided; but they were equally intended for the enjoyment, the salubrity, and the comfort of the metropolis over which he reigned. It was truly not a little extraordinary, that the hints which had been already thrown out should have proved so ineffectual in the quarter where it was hoped they would have found a somewhat different reception. But architectural extravagancies and whimsical projects of perverted taste, or unthrifty ostentation, had superseded the remonstrances of the public. One day a square palace was to be pulled down, and the next a round one must be erected. In the words of the poet—

> "Diruit, ædificat, mutat quadrata rotundis."

If the wishes of the public should not be respected, he was fully resolved to persevere in his purpose, and move an address to the Crown upon the subject, as soon as he could do so with propriety. The parks were virtually the property of the people of the metropolis, and were only by courtesy considered as appurtenances of the Crown. They paid for them, and possessed, therefore, the best right to their enjoyment. Under such circumstances, it was sufficiently vexatious to see so arbitrary a violation of their privileges united to the manifest disfigurement of an ornamental part of the city. Thousands of loads of earth—he did not know how many—were collected into a mass, for no other apparent purpose except to deform and render unsightly what was otherwise magnificent and grand. Pall-mall and the Park were now sunk out of all proportion, while the stately old trees were diminished, as had been well observed in the newspaper, to the appearance of stunted gooseberry-bushes, out of keeping with the scenery around them. One part of the improvements, falsely so called, was to render a fine street a receptacle for filth and nastiness, for Pall-mall had been converted into what he might call a ditch for Regent-street. Old columns, which had been hitherto gracefully disposed in their proper places, were now so located, as at every step to remind one of the Italian's exclamation on seeing the columns at Carlton-House, *Belle colonne! che fatevi qui?* It had been alleged that some gentlemen who had purchased large houses on the terrace were unfavourable to the wished-for entrance, and had exerted themselves to prevent its being accomplished. This representation, however, was the reverse of the truth, as he had had the honour to receive letters from some of those respectable individuals, expressing themselves equally anxious with their fellow-citizens that this access to the Park might be permitted. When the time came that he could move an address to the Crown without impropriety, he repeated, it was his determined resolution to do so. To those who said that he was making much ado about a trifle —the erection of a gateway—he would reply in the words of a celebrated nobleman, when there was a project on foot for excluding the public altogether from the parks, and who being asked what would be the expense, replied—"that it would not cost above three Crowns."

Mr. *R. Gordon* then moved, that the vote should be 10,000*l.*, to be taken on account, and that the item should be referred to a committee of inquiry above stairs.

A conversation ensued as to the form of proceeding.

Sir *J. Newport* said, he could see no objection to the items being deferred to a future occasion, on the same principle that the preamble to a bill was disposed of.

The *Chancellor of the Exchequer* observed, that the present case, and that of the preamble of a bill, were not at all similar. The preamble of a bill was postponed for the purpose of passing it after the clauses of the bill had been discussed and agreed to; but no other opportunity might be afforded for passing a resolution in the Committee of Supply, if it were once passed over. Adverting to the vote itself, as compared with that of 1829, he maintained that the arrangements which had been made by Government had been productive of a large saving of the public money, amounting to above 5,000*l*. Part of the expense complained of arose from the improvements at the Banqueting-hall, Whitehall, which were rendered necessary by the dilapidated state of the building. He would repeat then, what he had stated on a former occasion, namely—that all the recent alterations in the park had been made with a view to the public benefit, and that no indisposition existed on the part of the official authorities to promote still further the public convenience. Till the hon. member for Westminster's intended motion on the subject was substantively before the House, he should abstain from entering more fully into detail. On that occasion, he was confident he should convince hon. Members that there existed no just ground of complaint on the part of the public, on account of the recent alterations in the park, which did not curtail the privileges of the public.

Mr. *R. Gordon* had heard the vaunts of the right hon. Gentleman, that the public interest had not been overlooked in the plan of the improvements still in progress in St. James's-park with no little surprise; for one might infer, from the right hon. Gentleman's tone, that permission to frequent the parks was conferred by the Crown on the public as a boon. He begged leave to ask the right hon. Gentleman, who paid for the improvements in the parks? Was it not the public? He would further ask, who had a right to have their interests considered in the plan of those improvements, if not that public which paid for them? Within the last five years, he repeated, not less than 125,000*l*. had been expended in the mere repairs of public works—a sum which neither that House, nor the public, would complain of, if any visible advantage could be pointed out as a result of the expenditure.

Mr. *Arbuthnot* begged leave to remind the Committee, that he had, in his evidence before the committee on public works, of which the hon. member for Dorsetshire was chairman, stated, that an ingress by a flight of steps, or otherwise, into the park from Pall-mall, constituted no part of the plan of the recent alterations in the neighbourhood of the site of Carlton Palace. While he stated this he was free to admit that he also added, that no indisposition existed in the minds of those who acted under the Treasury to consult public convenience by having such an ingress. He was sure that his right hon. friend had not meant to say, that the public had not a right to frequent the parks—and to share in all the recreations that were purchased by public money. It was his wish, when he undertook the improvements of the parks, to obtain for the public, every possible accommodation; but he was not at liberty to promise, that the opening required should be made.

Sir *M. W. Ridley* could also inform the Committee, that no promise had been given by the Government, that a passage should be made for the public in the place alluded to by hon. Members. It was, on the contrary, expressly stipulated in the leases of the houses which had been erected on the line of terrace from Carlton-gardens towards St. James's Palace, that no thoroughfare of the kind mentioned, public or private, should be permitted into the Park at the end of Waterloo-place. And when a private entrance was proposed, it was very properly refused, on the ground that if there should be any ingress at that place it should be one for the public. There were circumstances of a peculiar nature connected with the matter at present, which must operate to prevent any further proceedings in it on the part of the Woods and Forests. He need not do more than allude to those circumstances, as every hon. Member, he was sure, understood what he meant. With respect to the hon. member for Westminster's animadversions on the present arrangements in St. James's-park, all he should say was, that they formed no part of the plan of the architect, and that the blame—for at least some of the defects complained of—lay with the Treasury.

Mr. *Hume* suggested the propriety of postponing the vote, on the ground that it was contrary to a recommendation of the Finance Committee—that no residences should be allowed to public functionaries, except they were essential to their duly discharging their public duty. If the expenditure of the public money in public works were properly inquired into, he was sure it would be found that not less than a half or even three-fourths of the sum laid out in official residences might be advantageously saved to the public.

Mr. *Protheroe* wished then to say, that there was great room for improvement in the arrangements concerning the Records. There was a valuable collection at no great distance from that House that was at any time liable to be destroyed by fire.

Lord *Milton* was surprised to hear from the Chancellor of the Exchequer the doctrine that the public had no right to dictate or interfere with the arrangements of the Crown property. Such doctrine was by no means in keeping with the principles which led the House of Brunswick to the Throne of this Realm, and could only be acted on when feudal usages were those by which the Monarch held and managed the Crown property. He maintained that constitutionally the people had as much right to interfere with the present arrangements in the Park as with that of any other portion of what was called Crown property, from which the Crown derived no revenue, and which, in fact, belonged to the public. He admitted that the greatest deference was due to the comforts conveniences and wishes of the Monarch, but he could never allow it to be asserted uncontradicted in his presence, that the public had not a full and complete right to exercise whatever control might be necessary over all the property of the Crown.

The *Chancellor of the Exchequer* did not deny the right of the public in the sense alluded to by the noble Lord, and only contended that a certain decorous deference was due to the Crown in the management of the Crown property.

Lord *Milton* expressed himself satisfied with the right hon. Gentleman's explanation.

Mr. *Hobhouse,* in reply to what had fallen from the Chancellor of the Duchy of Lancaster, begged to say, that whether a passage into the Park from Waterloo-place were or were not a part of the original plan, a passage had been actually made which was subsequently closed up, as every hon. Member might any day satisfy himself. The matter, however, was then at the disposal of the Committee; let it vote in a majority against the grant as it stood, and the Park would be thrown open; if did not, the promises which had been made to the country, on which some persons had actually set about building, would be unfulfilled.

The Committee divided.

The numbers were—for the Resolution 139; Against it 123,—Majority in favour of the Resolution 16.

List of the Minority.

Althorp, Lord
Baring, F.
Baring, B.
Bastard, C. P.
Bankes, H.
Belgrave, Lord
Bernal, R.
Bentinck, Lord G.
Birch, J.
Brougham H.
Brownlow, C.
Burdett, Sir F.
Calvert, C.
Carter, B.
Calthorpe, Hon. F. G.
Cavendish, W.
Clive, E. B.
Clements, Lord
Clinton, F.
Cholmeley, M. J.
Colborne, N. R.
Cripps, J.
Crompton, S.
Davenport, E. D.
Dawson, A.
Davies, Colonel
Denison, W.
Dickinson, W.
Dundas, Hon. T.
Easthope, J.
Ebrington, Lord
Ellison, C.
Euston, Lord
Fane, J.
Fergusson, R. C.
Fazakerley, I. N.
Fitzgibbon, Colonel
French, A.
Fyler, T. B.
Gordon, R.
Grattan, J.
Graham, Sir J.
Guise, Sir W.
Guest, J. J.
Harvey, D. W.
Howard, H.
Howick, Lord
Honywood, W. P.
Hobhouse, J. C.
Hulse, Sir C.
Ingilby, Sir W.
Jephson, C. D. O.
Knight, R.
Knatchbull, Sir E.
Kennedy, T. F.
Kekewich, S. T.
Killeen, Lord
Lamb, Hon. G.
Langston, J. H.
Lambert, J. S.
Lennard, T. B.
Labouchere, H.
Lawley, F.
Lester, B.
Marshall W.
Maberly, John
Maitland, E. F.
Maxwell, J.
Martin, John
Marjoribanks, S.
Macdonald, Sir J.
Milton, Lord
Mildmay Paulet,
Mostyn, Sir T.
Monck, J. B.
Morpeth, Lord
Nugent, Lord
Newport, Sir J.
Osborne, Lord F.
Ord, W.
O'Connell, D.
Parnell, Sir H.
Palmer, F.
Pendarvis, E. W.
Palmer, R.
Poyntz, W. S.
Power, R.
Ponsonby, Hon. G.
Pryse, P.
Price, Sir R.
Philips, G. R.
Protheroe, E.
Rumbold, C.
Rancliffe, Lord
Rickford, W.
Ridley, Sir M. W.
Robarts, A.
Robinson, Sir G.
Rochford, G.
Sibthorp, Colonel
Smith, V.
Smith, W.
Sykes, D.
Stewart, Lord J.
Taylor, M. A.
Tomes, J.
Trant, W. H.
Thomson, P.
Tufton, Hon. H.
Vaughan, Sir R.
Vyvyan, Sir R.
Warburton, H.
Western, C. C.
Westenra, Hon. H. R.
Webb, E.
Wilson, Sir R.
Wilbraham, G.
Williams, O.
Whitbread, W.
White, Colonel
Wood, C.
Wrottesley, Sir J.

TELLERS.

Hume, J.
Dawson, G. R.

PAIRED OFF.

Portman, E. B.
Waithman, Alderman

SHUT OUT DURING THE DIVISION.

Wood, J.
Sebright, Sir J. S.

7,000*l.* for the works executing at Port Patrick Harbour,

8,000*l.* for the works executing at Donaghadee Harbour,

20,000*l.* for carrying on the works at the Royal Harbour of George the Fourth, at Kingstown were also voted.

WINDSOR CASTLE.] 100,000*l.* was then proposed to defray the expenses of the alterations and improvements of Windsor Castle.

Mr. *R. Gordon* opposed the Vote; he complained that the original estimate submitted to the House had been 300,000*l.* It was subsequently raised to 640,000*l.*; and in 1828, the Chancellor of the Exchequer said, that in candour he was obliged to state that 50,000*l.* more would be wanted to complete the works making it then nearly 700,000*l.* Another 100,000*l.* was voted last year, making it 800,000*l.* and now it was proposed, without any inquiry or investigation, to make the grant 900,000*l.*, and this too without any pledge that the present demand would be the last; or, in fact, that 300,000*l.* or 400,000*l.* more would not be wanted. Encouraged then by the division on the last question, he would now move that the sum of 100*l.* be granted to his Majesty for the purposes of defraying the expenses of the alterations and improvements of Windsor Castle.

Mr. *O'Connell* observed, that many hon. Members who had Irish constituents, voted for the last grant, and this at a moment when the Chancellor of the Exchequer had it in contemplation to impose 300,000*l.* additional taxes upon Ireland. He now called upon those Gentlemen to oppose this vote, for if they did so successfully, there might be 100,000*l.* of taxation spared to Ireland. It might be very ridiculous, but he was most happy to say, that the opposition to the Chancellor of the Exchequer's scheme of taxation was progressing in that country amongst persons of all parties and persuasions. On this ground, if he had no other, he would vote against the grant. The circumstance, however, of the original estimate of 300,000*l.* having been so greatly exceeded, afforded abundant reason for opposing such profligate expenditure.

The *Chancellor of the Exchequer* said, that the measure of repairing and improving the ancient seat of the Kings of England was, when first proposed, popular, not only in Parliament, but throughout the country. He stated that the causes which had led to the estimates being exceeded had been frequently detailed to the House; and he observed, that there was infinitely more difficulty in calculating the expenses required for repairing an old building than in deciding upon those which might be necessary for the erection of a new one. He could declare that many unexpected difficulties had arisen in the progress of the works; and in conclusion, submitted to the House, that the only question to decide was, whether the building should be suffered to remain unfinished, a disgrace to the country, or whether they would consent to the grant which had been just proposed. Buildings would not endure for ever, but must have extensive reparations. He believed that the mode in which these reparations had been executed at Windsor Castle was satisfactory to persons who were competent judges. He was confident that the people of this country did not grudge the expenditure which had taken place upon that building. He was equally sure they would not be dissatisfied with the amount of expense which might be necessary for its completion; and on every ground he thought it was impossible for the House to refuse this vote.

Mr. *Brougham* said, I rise with unfeigned reluctance to express my opinions on this subject. For reasons to which I will not now more particularly allude, there is no time at which I would more willingly find it possible, if it were consistent with my public duty, not to say one word upon the question. But I cannot do so, and I shall, therefore, briefly and simply as possible, state the reasons why I, for one, shall vote for the motion of my hon. friend. If I could think that the question now submitted to this Committee was what the right hon. Gentleman has once and again stated it to be, I would vote for him. If it were put to me, "Shall the present buildings at Windsor Castle, with all the improvements which have been undertaken and are in part executed on this ancient and magnificent structure, the residence of our Kings—be completed, or shall they stop short where they now are?"—I say, if the question put to me were merely this, I should not hesitate before I said that these buildings ought to be completed. But I take that not to be the question. I take the question to be, whether we shall vote 100,000*l.* in addition to the 800,000*l.* already voted, before we ascertain how that 800,000*l.* has already been bestowed; before we ascertain whether the 100,000*l.* which is now required in addition to the 800,000*l.* will be found sufficient to complete the structure, nay, before even any one man has stood up in this House and stated that the 100,000*l.* now required will be sufficient to complete these works. Let the right hon. the Chancellor of the Exchequer assure us—let any one tell me that this sum will be sufficient—

that it will enable the architect to finish the buildings, and I may then be disposed to vote it, though in the present state of the country I might grudge the expenditure of such a sum. But I am called on to vote this money without the prospect—nay, without the hope—that it will be enough; and the next time that a Committee of Supply sits in this House, I may be told that the structure is still unfinished, and I may again be asked whether I will allow it, for the want of 100,000*l.* more, to remain unfinished. I differ, Sir, from the right hon. Gentleman, in the view he has taken of the feeling of this House and of this country on this subject. He has said that the measure was popular in this House and the country. Why? Because this House and the country have held most justly, and I concur with them, that we ought to wish to see the Monarch provided for with a dignity that is becoming, and even a splendor which is befitting and decent; and when it was stated that 300,000*l.* ought to be given for repairing the palace of our Kings, though the sum was considerable, there was no objection made to the vote. But did it at all follow that the House and the country should be satisfied to vote 900,000*l.*—not for further repairs, but for a very different object—that this measure should still continue popular when it was no longer what it had been, but was totally changed? At this moment we are not told that 900,000*l.* will be enough, and, for aught I know, half a million more may yet be demanded. This is the plain view of the matter as opposed to that taken by the right hon. Gentleman. I, for one, should be ready to agree that his Majesty should have that palace repaired, or even extended, greatly extended—with which so many associations of the history of this country and of the former times of the Monarchy are connected. It is a reasonable and natural wish; but we do not put the matter fairly, if we state that we are only called on to make these votes for one palace, for while 900,000*l.* have been required for Windsor, we have voted 500,000*l.* and more—not for repairing a palace for his Majesty, but for building a new palace, on the site—not of an old palace, but of a modern residence, which of itself was, in my opinion, sufficient for the purposes of a Court. Even that I should not be disposed to grudge the Monarch, if I could only see an end, but (and I for one disclaim all invidious observations, and at the present am more than ever anxious to avoid them) but I must say that of these expenses we can see the beginning, but even, when 1,400,000*l.* have been voted and expended, even at this hour, I can see no end to them. I say, therefore, as a Member of this House, bound, on the one hand, to act with a view to protect the just dignity of the Monarch, and on the other to watch for the advantage and the interests of the people, that I feel it to be my imperious duty to vote against this grant, in the circumstances under which it is now proposed.

Sir *J. Sebright* thought there would be no limit to such extravagance unless that House fixed a limit by a decisive resolution, Some Members had no constituents. He had, and always voted to the best of their interests, and he felt that he should not do so if he did not vote against this grant. He should be much surprised if the hon. Member did not obtain a majority.

Mr. *R. Gordon* said, his object was not to refuse the vote, but to refer it to a Committee of Inquiry, and as he had moved that 10,000*l.* should be taken on the last vote on account, in order to refer it to a committee, he thought it would be more decorous to shape his present amendment on the same principle.

An hon. Member was of opinion that some competent person should give the House an estimate of the sum that was really wanted, before the money was voted.

Sir *M. W. Ridley* recalled the attention of the House to the fact that the original estimate was 300,000*l.*, and the excess of that estimate was fully explained when the two grants were afterwards made. The present vote, therefore, did not come upon the House unawares, but was in consequence of a distinct and well understood proposition for carrying on further improvements at the castle than were at first proposed. Some Members might ask whether the sum now required would, if granted, be sufficient to complete the works? He had not sufficient opportunity to inquire into the subject to be able to answer that question distinctly; but he thought, that in the state in which the works were now, any further demand could not proceed to a great extent.

Mr. *Hobhouse* believed that the case in favour of his hon. friend's Amendment was made much stronger by the hon. Member, one of the commissioners for these works, who had just spoken. Like the Chancellor of the Exchequer, that hon. Commissioner was quite unable to answer for the future demands that might be made on account of Windsor Castle—an inability which in itself was the strongest reason for the proposed inquiry. The right hon. Gentleman opposite had spoken of the responsibility imposed on the Ministers in affairs of this sort. Let him consent to this committee, and they would be relieved from it. The right hon. Gentleman was mistaken in supposing that the people of England were interested in these works, though it might possibly be true that they would have been interested in the works, if they had been merely confined to the reparation of the old Castle. He was convinced the people would not be satisfied if this sum were granted without inquiry.

Lord *Sandon* thought, an inquiry was necessary, and he would support the Amendment.

Sir *T. Acland* had ever been disposed to vote for a liberal expenditure to provide a residence worthy of the sovereign and of the people of England, but until he heard some satisfactory explanation as to the amount of the sum which would be finally required, he could not vote for this Estimate. If he were satisfied that a delay in making the grant would be detrimental to the contemplated improvements, he should hesitate in voting for it; but he did not fear any such result. The House had not the full estimate before them, and when he saw a crippled estimate he suspected something was wrong. He thought that it would be more worthy of the House, and more satisfactory to the public, if the Government would do what it ought, and give a more distinct explanation of the whole case before this vote was proposed. Under such circumstances, he felt it his duty, though it was most exceedingly painful to be obliged to do so, to vote against the grant, and in favour of the Amendment.

The *Chancellor of the Exchequer* quite agreed with those hon. Members who said, that there were circumstances at the present moment which rendered a discussion on this subject exceedingly painful indeed. He was ready to say, that if it were the general feeling of the House that this Estimate should be referred to a committee, he should no longer resist that feeling, and he did not think that he showed any undue deference to the opposition which had been raised on this occasion, if under such circumstances he consented to have this vote referred to a committee, for the purpose of ascertaining what might be the ultimate expense necessary for the completion of Windsor Castle. He did so, he confessed, with considerable pain—but under the conviction that, at the present moment, he was taking that course which was best calculated to prevent a most painful discussion, and to prove that the recommendation which he had made to the committee was one which he was justified in making, and which, after the information which he should lay before it, the committee would feel justified in carrying into effect. He should therefore withdraw this vote for the present, with a view to ascertain what might be necessary to complete these works.

Mr. *Gordon* was rather inclined to persevere in his Amendment, as he should have, in case of its being carried, the appointment of the committee up stairs, which would be otherwise with the right hon. Gentleman, who, he must say, was not most happy in forming his committees. However, if it were the feeling of the majority of the Members, he would withdraw his Amendment, and he trusted a proper committee would be appointed to investigate the subject.

Mr. *Brougham* said, the right hon. Gentleman was quite correct in assuming that he made no undue deference to the opinion of the House in withdrawing this Estimate, for that opinion had been too decidedly expressed to allow any such vote to be passed; and he (Mr. Brougham) would venture to say, that neither the right hon. Gentleman, nor the whole power of the Government, could any more have succeeded in carrying this vote on the present occasion than they would have succeeded in carrying a vote for 10,000,000*l.* sterling for the same purpose.

The proposed grant withdrawn.

On the Motion of Mr. Hume, that the Chairman do report progress, the House, after some conversation, resumed.

NAVY-PAY OFFICE.] Mr. *F. Lewis* moved the Order of the Day for the Committee on the Navy Pay Consolidation Laws' Bill. He explained, that it repealed or omitted twenty-one capital punishments, but otherwise made no alteration in the law. Being aware of the feeling of the House on the subject of the Paymastership of the Navy, the name of the Paymaster had been struck out of every clause except one. By that he would be empowered still to receive letters, and it was proposed that he should continue to do so till July, 1831.

In answer to a question from Mr. Hume, the right hon. Gentleman explained, that he might be obliged to employ a person under him, as a deputy, not being able with his own hands to discharge all the duties of the situation; he, however, should continue, responsible. He had undertaken to discharge the duties of the office of Treasurer without any Paymaster; and he put it therefore to the candour of the House, whether he ought to be compelled to be in his office at all hours of the day, or to adopt a course that would place at hazard the public money. In case of ill health, or unavoidable absence, the duties of his office, as of all similar offices, would devolve upon the person next in authority to him, and if the Treasurer of the Navy were to be debarred from that privilege, it would subject the service to considerable inconvenience. A person was allowed at common law to appoint another person to act for him by a power of attorney; and he saw no reason why that privilege should be denied to the Treasurer of the Navy.

In reply to a further question put by Mr. Hume, the right hon. Gentleman stated, that it was not intended, he believed, to make any new appointment by which a fresh salary would accrue to any individual, but he must at the same time state, that there never was an office in which so much business was done, as that of the Treasurer of the Navy, without an immediate deputy or clerk, possessing an adequate salary to assist the Treasurer. When he considered the business likely to devolve on him after the abolition of the office of Paymaster, he thought he should be obliged to ask for some assistance, though he would not do so till he found that it was not possible to go on without it. The President of the Board of Trade had always had a secretary, and he did not think the most rigid economist of the public money would wish to deny to the Treasurer of the Navy the assistance of a secretary. He did not wish to trumpet forth his own praise—but it did afford him pleasure to state, that since he had held the office of Treasurer of the Navy, he had been enabled to make a saving of 3,000*l.* a year.

In answer to a further question from Mr. Poulett Thomson, the right hon. Gentleman stated, that under all circumstances, the Treasurer of the Navy, and not any deputy he might appoint by power of attorney or otherwise, would be answerable for the public money.

Bill went through a committee.

CONTINUANCE OF OFFICES ON THE DEMISE OF THE CROWN.] Mr. Hume moved for leave to bring in a Bill to revive, amend, and render perpetual the Act 57 Geo. 3rd, c. 45, to continue every person in office at the demise of the Sovereign, until removed or discharged therefrom by the succeeding King or Queen of this realm.

The *Chancellor of the Exchequer* suggested to the hon. Member the propriety of postponing the Motion, from motives of delicacy to which he need not more particularly allude.

The Attorney General concurred in this recommendation.

Mr. Warburton and Mr. O'Connell supported the Motion.

The gallery was cleared for a division, but there not being forty Members present the House was counted out.

HOUSE OF LORDS,

Tuesday, May 4.

MINUTES.] The Malt Duties Bill was brought up from the Commons. The Earl of ELDON presented a Bill for amending the Bankrupt Laws, which was read a first time.

Returns presented. The aggregate Amount of all Balances of Public Money in the Hands of the Bank of England on the 1st and 15th day of each month for 1829:—Bank of England Notes in circulation on February 26th and August 26th in each year, from February, 1819, to February, 1830:—Advances made by the Bank of England to Government on Exchequer Bills, and other Securities, on August 28th, 1829, and February 28th, 1830:—Money paid or payable at the Bank of England for the Management of the Public Debt in 1829:—The quantity of Corn Spirits of Home-distillation, and of Rum which paid Duty for Home-consumption in the four years ending January 5th, 1826, and in the four years ending January 5th, 1829:—Of Exports and Imports from 1798 to 1829:—Evidence taken before the Committee relative to Coin in 1828:—Coals shipped from the Port of Cardiff.

Petitions presented. For throwing open the China-trade, by the Duke of PORTLAND, from the Magistrates of the Burgh of Ayr and Kilmarnock:—By the Marquis of LANSDOWN, from the Incorporated Trades of Glasgow. For holding the Assizes of the West Riding of the County of York at Wakefield, by Lord WHARNCLIFFE, from Pontefract. For an alteration in the Tithe-laws, by the Duke of RICHMOND, from Mr. James Hantler. Praying for Relief under Distress, by the Earl of RADNOR, from the Inhabitants of High Holder, of Great Yarmouth; and the operative Stone-masons of London and Westminster:—And by Earl STANHOPE, from several Parishes in Kent. For the Abolition of Death as the Punishment of Forgery, by the Earl of RADNOR, from Bolton, Lancashire:—And by the Marquis of LANSDOWN, from Portsmouth. Against the Duty on Coals imported into Ireland, by the same Nobleman, from the Inhabitants of St. Audeons, Dublin, and of Drogheda. Against the additional Duty on Spirits, by the same Nobleman, from the Magistrates, Farmers, and others of Upper Ossory:—And by Visc. MELVILLE, from the Farmers attending Edinburgh Market. Against the proposed alteration in the Welsh Judicature, by the Earl of ELDON, from the Inhabitants of Haverfordwest, of Cardigan, and of Pembroke.

HICKSON'S ABDUCTION AND MARRIAGE DISSOLUTION.] The *Bishop of London* said, he rose to present to this House, according to the notice which he had already given, the Petition of Mary Anne Wayte, (mother of Elizabeth Hickson,) and George

Wayte, her husband, for leave to bring in a Bill to annul that young lady's Marriage. In the year 1828 she had the misfortune, being then under age, to contract a marriage with Thomas Buxton. The parties eloped, the marriage ceremony was performed, but the young lady was speedily overtaken by her uncle, who extricated her from the grasp of her husband before the marriage could be consummated. The young lady soon became sensible of the impropriety of the step which she had taken, and extremely desirous to be emancipated from the society and control of Thomas Buxton. It appeared from the statements in the Petition, that Buxton had for a long course of time addicted himself to every kind of profligacy and vice, and a good deal was mentioned in it of the prosecutions and legal proceedings which had arisen from the conspiracies of which this unfortunate young lady had been the victim. Among these was an attempt he made to have her produced, by virtue of a writ of *habeas corpus,* before the Court of King's Bench; but in that instance the Court declined to interfere, because it would have had to try, by a sort of side wind, the validity of the marriage. The petitioners stated, that Thomas Buxton had, in the whole course of this unhappy transaction, conducted himself with fraud and treachery, and the young lady herself declared, that to be compelled to live with him would be only to entail upon her permanent unhappiness. Under these circumstances, the petitioners hoped, that in consequence of the clause of the Marriage Act, which provided that a marriage should be null and void, when the banns had been published in a parish where the parties did not actually reside, they might have the relief for which they prayed. But he observed, that by a subsequent clause of the same Act, all evidence of such a marriage was interdicted. It seemed, however, to have been the intention of the Legislature to declare a marriage so obtained null and void, and at the same time to declare, that the law would not interfere to allow the parties to prove the circumstances of their alleged marriage. The petitioners nevertheless hoped that their Lordships would hear such evidence, that considering the fraud which had been practised, and more particularly considering that the marriage had never been consummated, which was a most essential circumstance, they hoped that their Lordships would feel it to be an act of justice to nullify such a contract. He was aware that public policy required that their Lordships should rarely interfere in abrogating such engagements, but parliamentary interposition might be justified in cases of deliberate fraud and informality, such as was the case he brought under their Lordships' notice. The young lady herself implored to be saved from the effects of her own impropriety; her life would be miserable if consigned to the association of this man. She was herself an heiress; her uncle was likewise in possession of a still more considerable property than her mother, he had no other relation so near to him as this young lady, and his mortification would be great if his property were to run the risk of passing into the hands of so profligate a person as Buxton, who not contented with fraudulently enticing the young lady away from her home, and palming this marriage upon her, had persecuted her ever since with the most pertinacious annoyance. At all events, he hoped that their Lordships would give a calm hearing to the solicitation of the petitioners, and would allow him, on a future day, to submit it to the judgment of a committee of the whole House.

The Bishop of Lichfield seconded the Motion.

The Earl of *Eldon* was of opinion, that the subject then before their Lordships was one which required very serious consideration. No cases, in the view of the law, were more complicated than those which related to clandestine marriages. Conspiracies of this kind were frequent, and when he had the honour of holding the Great Seal, they were often brought before him, and he had to dispose of them in the same manner as his predecessors had done. He was aware that when the banns have been fraudulently performed, a clause in the Marriage Act declared the ceremony to be null and void; but he was also aware, that the subsequent clause which forbade the circumstances of such marriages from being given in evidence, counteracted the means of establishing the nullity, so as to bring it under the previous clause. If the marriage be null and void, he wished their Lordships to see whether the parties could not have their remedy at common-law without coming here; if they had not, then their Lordships must see whether the special circumstances of this case resembled those upon which the legislature had heretofore acted. It would be their duty, when they came to consider the case, not to confine their attention to it alone, but to see how any decision respecting it would bear upon the general principle which ought to govern all such cases. The party complaining had here, as he understood given her free consent to the marriage and in relation to the general question, that circumstance was very important. No man wished more than he did that the legislature should enact the strongest provisions against the base and scandalous frauds which had been of late years so prevalent amongst us. Of the old Act of Parliament he was convinced, from his own experience, while holding the Great Seal, that it was imperfect and inadequate, and he believed that the inefficient clause was literally copied into the new Act. Of what use was it to provide that the wrong publication of the banns rendered the marriage null and void; when in the next clause, forbidding the circumstances of such marriage from being given in evidence, the law deprived the party wronged of the only means of proving the fraud which had been perpetrated? What could be more absurd than that,—and yet it was the law of the Marriage Act? The banns were, in fact, never legally performed. The Act provided that no clergyman should be obliged to publish banns, until he had received seven days previous notice; and yet that provision was evaded every day; indeed, it had, on more occasions than one, been his painful duty as well as that of his predecessors, upon complaint of the illegal publication of banns, to drag into Court some of the most respectable of our clergymen to answer for that offence. The Act of Parliament said, that the clergyman must have seven days notice of the intended banns. But he did happen to know, and so most likely did their Lordships, that just before the clergyman began the second lesson, the clerk handed him up a paper, which was for the publication of banns, and he published them immediately, without further inquiry, or, indeed, without having, at such a moment, any means of making any inquiry. The clergyman then became inadvertently culpable, and amenable to the law for this offence. Ought such a state of things, with reference to such a ceremony, to exist? Certainly not; the whole subject ought to be examined and revised. The present question was merely whether their Lordships should examine into the circumstances of this particular marriage, and then, if they found the banns to have been illegally published, declare the marriage void by an Act of the Legislature? There might be circumstances, as in Miss Turner's case, which would justify their Lordships' concurrence in the prayer of such a petition. There was not a man, he believed, whose heart beat rightly in his bosom, who would not feel happy to put an end to such wicked contrivances; but their Lordships should anxiously look into all the particulars of such cases, and take care not to infringe general principles. At all events, he agreed cordially with the right reverend and learned Prelate, that the Petition was entitled to their anxious consideration before they decided upon it.

The Petition read, and referred to a Committee of the whole House on Monday next.

CHURCH REFORM.] The Earl of *Mountcashell* said, he had a Petition to present from New Ross, in the county of Wexford, signed by several magistrates and men of property in that county, praying for inquiry into the means of remedying the existing abuses of the Established Church in Ireland; and also a Petition to the same effect, that originated from a meeting of the friends of the Church of England in the county of Cork, which was signed by upwards of 3,000 *boná fide* members of the Church of England, including sixty magistrates of the county, He would not trouble their Lordships with having the latter petition fully read, as it had already appeared in the public prints, and should merely observe, that though the number of signatures was by no means unusually great, it was the largest consisting exclusively of members of the Church of England, that had perhaps ever been attached to any petition presented to that House, on the important subject to which it related, and was therefore, if on no other ground, entitled to their Lordships' consideration.

The Petitions having been laid on the Table, the Order of the Day was read for their Lordships to take into consideration a motion relative to the Reform of the Church of Ireland.

The Earl of *Mountcashell* proceeded to say, that pursuant to his express intention, he should then submit to their Lordships a motion founded on the prayer of these petitions, of which he had already given their Lordships notice. In doing so, he begged leave to assure them that he never felt more deeply embarrassed on account, he could sincerely say, of a conscious want of ability to do justice to the very important subject involved in his Motion. His embarrassment was heightened when he recollected with regret, that upon so young a member of that House as he was, and upon one consequently so inexperienced in its proceedings, and so unable to command its attention, a task of such difficulty and such importance should have devolved. He, indeed, should have wished that other noble Lords, more gifted and more influential, had taken the subject into their hands, and thus relieved him from much responsibility — responsibility which nothing would have induced him to incur but a deep sense of duty, and a strong conviction that somebody should open the way in calling the attention of that House to a matter of paramount interest to the spiritual welfare of millions. Trusting, then, in the courtesy of the House, and that noble Lords better able to illustrate the subject he intended to bring under their notice than he was, would help him out, he should proceed to state, but not too strongly, the points of his case. But before he did so, he thought it right to observe, that he feared it might be alleged that he was actuated by motives of hostility to the Church of England, of which he was born, and of which he trusted in God he should die, a member. He disclaimed—earnestly, sincerely disclaimed — being actuated by such an unworthy motive. No; he was, he solemnly assured the House, a devoted member of the Protestant Church of England—warmly attached to its episcopal form of government—to its usages, its tenets, its rites, its discipline, and, he would add, its lawful privileges. Indeed, he brought his present Motion forward in the spirit of an attached friend of that Church, and he trusted it would appear that he acted as its best friend in directing the attention of the legislature to its undeniable abuses, so as to strengthen its trunk by lopping off its excrescences. It was in this spirit he brought his Motion forward; and in stating facts to illustrate and bear it out,—and he begged to say he had a multitude of such facts, stubborn, undeniable facts—indeed he was armed with them, he wished to be understood as meaning any thing but disrespect to the Established Church of either England or Ireland. His only object was, in a word, to make that Church respected, and what it ought to be—an instrument of salvation to millions of benighted souls in the Empire. He had said he was a member of the Church of England, that he conscientiously believed its doctrines, and was ardently attached to its discipline. He was so, but not implicitly and without inquiry. He was not a member of the Protestant Church of England merely because he was born in it: he had not subscribed to its articles as a school-boy does to the grammar rules he learns by rote: he had inquired into the scriptural validity of those articles; he had examined for himself into the gospel characteristics of its tenets, and the result was, that he was a more attached member of it than he possibly could otherwise have been. Indeed, indeed, he wished from his soul that he could make others as attached members of the Protestant faith as he was, from conviction. But still he felt there was much in the Established Church that he wished to see altered, much amended, and much placed altogether on a different footing from that on which it at present stood. He wished to see all its ministers—ministers in soul, in heart, and in spirit—ministers of religion—ministers of the Gospel. He had learned that the great utility of religion —that is, of Christianity—was its tendency to enlighten the minds and purify the hearts of men; and he knew that Christianity differed from all other systems of religion, including Paganism, in its being emphatically the religion of the heart. But for this, the great leading feature of Christianity, it would, in a legislative point of view, be little superior to Paganism: but as this was its great, its all-important excellence, it was the solemn duty of the Legislature to encourage, by all means in its power, its growth, and to prevent, as far as it could, the introduction of abuses. And here he would observe, that he feared, so far as the spirit of Christianity was taken into account, he feared—that Paganism had but too many votaries in this country; but on this point he would not expatiate. He had said it was the duty of the Legislature to foster and guard the institutions of Christianity; but he did so, fully aware that other avocations so much engaged the attention of legislators as to preclude the possibility of any attention being bestowed on the far more important matter of religious politics. And yet it was evident that, to the general weal,—he spoke politically,—religion, that is, Christianity, was necessary; and to good religion a good system of discipline was essential; and to secure a good system of discipline, they should guard against the introduction of abuses such as those in the Protestant

Church of England and Ireland, to which he would then invite the attention of their Lordships. He would first bring under their notice the state of the ecclesiastical laws. He might perhaps be told that that was a subject which had better be left in other hands,—that something had been done towards amending these laws, and that more was in progress, as a commission then was actually inquiring into their operation. To this he need only say, that if he understood rightly, the powers of that commission extended merely to the regulations of the ecclesiastical courts, and did not reach the letter or the spirit of the ecclesiastical laws. So far, therefore, as that commission was concerned, the ecclesiastical laws were left within the scope of his inquiry, the rather as it embraced the Church of England with that of Ireland. He had examined, with no ordinary care, in relation to those laws, a work to be found in their Lordships' library, namely, *Gibson's Codex*, which was acknowledged to be the best manual of ecclesiastical law, and he found, in the first place, that there were nominally in force, as part and parcel of the law of the Church of England,—some canons which were every day violated, though they seemed to be proper institutions, and which ought to be observed or repealed. There was a second class of those ecclesiastical laws, which were absurd and ridiculous; and there was a third class actually opposed to the principles of the Protestant religion. As an example of the first class, he would refer their Lordships to page 157 of *Gibson's Codex*, where they would see that it was one of the canon laws of the Church of England that "no clergyman should exercise secular functions." He would not then stop to inquire into the policy and wisdom of this law, but should merely observe its irreconcileableness with the every-day fact of clergymen's exercising secular functions, even as civil magistrates. Either, therefore, it was or it was not an acknowledged canon of the Church of England. If it were, then the clergymen of that church deserved ecclesiastical censure for violating it; if it were not, the sooner they were relieved from the onus of thus violating one of their canons the better. In the same work they would see set down, as the 75th canon of the church of England, that no minister of that church "should engage in servile labour." He need not trouble himself with an explanation of the meaning of the phrase "servile labour," as it plainly resolved itself into a reiteration of the injunction against the exercise of "secular functions." Nor need he trouble their Lordships or himself with quoting facts to show that this canon was every day violated. He knew of clergymen, he was sorry to say, who acted as land-agents, and in other offices of "servile labour," though an Act of Parliament had been passed, to in some degree enforce the canon, which was, however, as they all knew, every day evaded. Either, then, this canon should be expunged or enforced—there was no other rational straightforward course for all parties. Again, in page 162 of Gibson, their Lordships would find a canon of the Church of England, by which its ministers were prohibited from "indulging in cards, dice, and other unlawful games." He would not stop to inquire how far this ecclesiastical law was obeyed, but it was plain that in the canons he had referred to there was nothing absurd or reprehensible. He would then proceed to the next class, such as were ridiculous and absurd, and the first he would mention was to be found at page 168, canon 74, by which all clergymen were forbidden to appear in "coifs and night-caps of cotton, or black silk or velvet" [*a laugh.*] He was not surprised that the mention of this canon had disturbed the gravity of their Lordships, and he would put it to them whether such laws did not require revision and amendment? But he would next beg leave to direct their attention to canons of much more serious importance, which he thought imperatively called for some change, one which they would find in page 170 of Gibson, and which were, in fact, a part of the "Constitutions of Otho." It might, perhaps, surprise some of their Lordships to whom the fact might not be familiar, to hear that the decrees of Popes and of Popes' legates should still constitute a portion of the ecclesiastical law of the Protestant Church of England; but such was the fact. By the canon he had just mentioned it was declared, that "the Bishops should reside in their sees, and celebrate high mass on holidays." That canon was at the present moment a part of the regulations of the Established Church of this country, though with what propriety it was not easy to determine. All such rules, he thought, ought to be expunged from our canons, which should be repealed or enforced, according to the intention of their framers. Then there was the 88th canon [page 191 of the *Codex*], by which it was forbidden to hold "plays, ungodly banquets, or profane usages in churches, and even in the churchyard." He should like to know how the holding of concerts in churches could be reconciled with this canon, which, he might observe, was laid down in 1603? Was there not something of "profane usage" in the converting the sacred edifices of religion into a kind of opera, with money-takers, public singers, and other circumstances totally opposed to the letter and spirit of the canon? In opposition to this canon also, money was continually lavished in ornamenting and decorating churches, so that they were rendered more like places of profane entertainment than of holy worship. Should they not, he again asked, have a code of ecclesiastical law which should be obeyed, and not one containing canons which were violated with impunity? Was it not, in fact, expedient that the clergy should know what ecclesiastical laws they were bound to obey, and that the laity should know what those ecclesiastical laws were? The next subject he would direct their Lordships' attention to, was the state of the parishes in England and Ireland, so far as they were provided with churches and efficient resident clergymen—a subject which had occasioned much well-founded complaint in both countries. The noble Lord repeated, that he was not actuated in his intended statements respecting the want of churches and efficient clergymen by any feeling of disrespect to the discipline and privileges of the Established Church. He still felt it, however, to be his duty to state, that much amendment was necessary in this branch of the Church government, that too many clergymen were unqualified by education and previous habits of life for the duties of their high station, and that many most zealous conscientious men were prevented from entering into the ministry by some of the regulations of the existing canon law, which regulations a right rev. Prelate had declared must be in force till that law was modified. He meant no charge against the clergymen of the Church of England as a body, when he declared that many, too many, individual members of it had been unfaithful and negligent in the discharge of their sacred duties; and that, as a consequence, the spiritual welfare of thousands had lamentably suffered. He wished that this distinction between a censure on an individual, and an attack on the body, of which that individual was a member, should be continually borne in mind in the present discussion. Animadversion on an individual member of the Bar or of the Army was not construed into an attack on either profession as a body, and neither should it be with the ministers of the Church of England. "All I can say," said the noble Earl, "is, that I am not induced to bring forward my present Motion by any unworthy feeling towards the Church of England in the aggregate. Far from it. I thank—solemnly thank—my God, that my conscience acquits me of all other motives than anxiety for the best interests, the spiritual welfare of the people. When we are all rotting in our graves, and when my soul shall be summoned to the judgment seat of my Creator, it will, I humbly trust, be seen that I am actuated solely by a solemn sense of duty." He trusted, the noble Lord continued, though unable to express himself as he should wish, that justice would be extended to the purity of his feelings. The noble Lord next proceeded to contend that there was not a sufficient number of churches for the members of the established religion in Ireland. In a report of the other House of Parliament, he found that in 1820 there were 1,155 churches in Ireland, which, on the average, would accommodate but 150 persons each—that is, but 173,250 persons altogether. Now, he had the high authority of Mr. Leslie Foster for the fact, that the members of the Church of England amounted in Ireland to 1,269,800 souls. Let them deduct from that number 70,000 for infants and children too young to attend divine service, and they would have still 1,200,000 persons, speaking in round numbers, for whom there should be church accommodation in that country. And yet, according to his estimate, there was not accommodation in 1820 for one-sixth of that number. This was, as it appeared to him, in a great degree owing to the improvident mode in which the money voted and subscribed for the building of churches in Ireland was expended. Every thing was done for show,—for an architectural display of cut stone, and so forth: the spiritual welfare of the flock was a secondary consideration. Every thing, he repeated, was sacrificed to ornament and appearance, and for comfortably providing for the few richer parishioners: no pains were taken to ensure accommodation in the temple of prayer for the poor. This was not as it should be, and he trusted it would not be so henceforth. He was ready to admit that efforts had been here and there made to remedy the abuses to which he was alluding; but they were on far too limited a scale to be productive of essential benefit. For, even supposing that 26,750 persons more might be accommodated in the churches of Ireland, there was still 1,000,000 of souls for whose spiritual welfare there was no church provision: that is, that for every five out of six of the Church of England Protestants of Ireland there was no accommodation in the places of worship. Was this, he would again ask, as it should be? Then, with regard to England, the case, he was sorry to say, was not much better. He need not go beyond the precincts of the metropolis in which they all then lived for a sad proof of the neglect of a proper provision for the spiritual welfare of the people. The inhabitants of this mighty city had been estimated at not less than 1,400,000 souls, and yet of these not less than 1,000,000 were said to be habitually negligent of the worship of their Maker. When he inquired into the progress of the Church of England doctrines throughout the country at large, he found proofs of the neglect of providing accommodation for the members of that Church in the growing numbers of Dissenters. Their Lordships had authentic public documents to convince them of this lamentable fact. From one which he held in his hand, it appeared, that out of a population of 4,937,820 persons, there were but 2,533 churches for 1,856,108 members of the Established Church; while there were, in the same district, not less than 3,413 places of worship for the Dissenters. In the province of York, the Dissenters had 310 more places of worship than there were churches. In Devonport, containing a population of 40,000 inhabitants, there was but one parish church, and three chapels, while the Dissenters had twenty-three places of worship. And so in other places, as their Lordships might satisfy themselves by inquiry. Connected with this want of churches was a want of clergymen—particularly of resident-clergymen. In Ireland there were 1,263 benefices; in which 390 incumbents were permanently non-resident and only 873 resident. The noble Lord proceeded to animadvert upon the mischievous consequences of the non-residence of the clergy of the Established Church in Ireland. The evil was of ancient date,—as old as the exemption law of Henry 8th; it was much aggravated by the 57th of his late Majesty; and had arrived at a pitch that loudly called for reform. The whole system of exemptions should be revised. He saw no reason why the holder of a living should continue to reside at college till he was thirty years of age; as, indeed, he saw no just ground for many other admitted exemptions, by which the spiritual welfare of the people was much neglected. Nor was the system of non-residence unfortunately confined to Ireland. In England he found, in 1810, there were 4,471 non-residents, out of upwards of 10,000 incumbents, and 1,846 of these were wholly non-resident, having livings in other places. Since the year 1814 there had been a decrease of incumbents to the amount of 2,500,—a fact which necessarily induced the inference that there must have been a proportionate increase of pluralities during the same period. The existing state of the parochial schools he considered to be another proper subject for inquiry. Certain it was, that Protestant parents in Ireland were frequently constrained to send their children to Roman Catholic schools for education, in consequence of the manner in which the Protestant seminaries were conducted. The noble Earl then proceeded to condemn the system of pluralities in the Church of England, asserting that clergymen were to be found who united ten benefices in their own persons. This practice, he contended, was inimical to the true interests of the Christian Church, in support of which opinion, he cited a pastoral address of Bishop Burnet, expressive of sentiments similar to his own. He wished also to call attention to the present economy of Church property, which appeared to him highly objectionable from many considerations. It in some respects resembled the large farms in England, as the greater part of the church property was engrossed by a small number of persons. The small estates and the small benefices had disappeared, and the land and the Church property were both divided into large masses, to enrich a few individuals. This was likewise a subject that required parliamentary inquiry, and he trusted that they would soon come to a determination to turn over a new leaf. There was one point, however, that related to Ireland which he was sorry to touch upon. He alluded to the Ecclesiastical Reports, relative to the affairs of the Irish Church. The information which these documents contained was in many particulars inaccurate and defective. They were for the most part compiled by the Bishops' Registrars, and the task had been very inefficiently performed. Parishes were described as not worth 40*l.* a year, the income of which was found to be quadrupled in the tithe composition. Some were ascertained to be even five or six times the amount stated in the reports. The amount of acres had been similarly misrepresented, and in the last return there was a mis-statement of not less than 13,000 in number. He neither wished to pull down the Church, nor to deprive it of an acre of its rightful property, but merely desired to prevent their Lordships from being led astray by erroneous representations. Some parishes also had been omitted in these reports, and these omissions were so frequent that nine parishes in one diocese were forgotten altogether. On a subject intimately connected with what he had just referred to, he wished to say a few words. He was favourable to the general introduction of tithe composition, as nothing, in his opinion, had more conduced to cement peace and concord between the laity and clergy in Ireland, so far as he could judge of its effects, than the act for this purpose. He had in his possession letters and documents that would prove to the fullest extent the truth of what he asserted. In one parish the clergyman had actually distrained, amongst other chattels, a poor woman's Bible to satisfy his demands. Few of his reverend brethren, he believed, would have proceeded to such lengths; but certainly, while such a system was acted on, parishioners could scarcely be expected to listen with much relish to the most eloquent discourses that their pastor could deliver. A curious illustration of the effect of the present mode of receiving tithes had lately come to his knowledge through the medium of a correspondent. A clergyman was not long since riding in company with a naval officer to receive his dues, when, chancing to meet a goose, accompanied by a certain number of goslings, in his neighbourhood, he immediately proceeded to count them; and the result was, that his reverence laid claim to one of the latter. Soon after he practised a similar process of arithmetic on a litter of pigs, and made lawful seizure of two of them also. Occurrences like these did not beseem the clerical character, and he therefore wished to see a general adoption of commutation of tithes. The dissention created by the prevailing system was well exemplified by the murder of Mr. Parker, for it appeared that the dispute which provoked the crime had emanated from the collection of tithes. Another source of injury to the Church might be traced to improper appointments, which were at present of but too frequent recurrence. He thought it desirable that more care should be observed in the examination of candidates for ordination. As it was, a knowledge of classics seemed to be held paramount to every other consideration, and the result proved to be, as might be anticipated, a devotion to secular rather than to spiritual concerns. But of all points that which he most desired to insist on was the custom of selling the next presentation to livings, which, however unseemly, was practised to such an extent that it met the eye in our public papers almost daily. This alone was calculated to bring the Church into disrepute, as it opened a door to the admission of persons who were particularly unfit for the discharge of the sacred functions. Whoever had money might enter the clerical profession without delay, sure of promotion, as his father could appoint him, by virtue of his purse, to almost any living he should choose to select, although the transaction would amount to simony if a Bishop were a party to it. These observations applied both to England and Ireland; but in making them he had no other object in view than the interests of the United Church. Amongst the clergy there were undoubtedly many pious single-hearted men, who were sincerely devoted to the hallowed duties of their calling, but there were likewise others, he lamented to say, who were careless of their character, indolent in their office, and dissolute in their lives. If he appeared to expatiate with any invidiousness on the errors of the church and its ministers, he desired it might be remembered that it was his object only to direct attention to what was wrong,—not to eulogize what was deserving. Setting aside the Irish curates, he wished for a moment to notice the clergy of the same rank in England. According to the statement put forth in the year 1810, the number amounted to 3,694, of whom 455 had more than 50*l.* per annum, whilst 3,239 had even less. A great improvement, he admitted, had unquestionably taken place since that period, as the 57th of George 3rd, limited the sum to 75*l.* a year; but that income itself, it must be acknowledged, was a miserable stipend, amounting only to 4*s.* 1*d.* per diem. Some men were getting large sums for doing nothing, whilst others, who had received a good classical education, and devoted all their time and ability to spiritual instruction, were thus scantily remunerated. The operative clergyman he should like to see more adequately rewarded, for a labourer in the vineyard was worthy of his hire. The fact that there was "a house of call" for clergymen in London, who were thence called journeymen parsons, sufficiently demonstrated to what melancholy resources the profession was reduced. In further confirmation of what he asserted, the noble Lord here read an advertisement, which bore date December 10, 1829, from a respectable clergyman, aged seventy-nine, who had been fifty years in orders, setting forth that he had suffered for months from ague, and was then confined with a sore leg, and supplicating for relief. Many similar cases he had no doubt occurred, although they did not happen to come so directly under the notice of the public. With respect to resident clergymen he should observe, that he knew some who resided and did no duty whatever, while he knew others who did worse, devoting their time exclusively to secular employments, to the duties of magistrates, which were contrary to the Ecclesiastical Law,—and to agricultural speculations, which the old law had not permitted. The 57th of Geo. 3rd. however, allowed clergymen to cultivate farms to the extent of eighty acres, provided their income did not exceed a certain amount. In the "Belfast Commercial Chronicle," February 6, 1830, he found an advertisement stating the bankruptcy of the Rev. R. Gregg, dealer and chapman, and appointing the following Thursday for the sale of his effects, consisting of furniture, hay, wine, whisky, &c., and naming the succeeding Friday for a meeting of creditors at a Belfast hotel, with a view to making arrangements respecting his real property. This was forbidden by the canon law, and it could not be denied that it was in the highest degree unseemly for one laying claim to the office of a gospel minister to come in such a character before the public. He understood also that it was equally repugnant to the canons of the Church, that clergymen should engage in those field sports which might be lawfully indulged in by the laity; yet he knew many instances in which this regulation was disregarded. He knew an archdeacon in Ireland—he would not mention his name —who kept one of the best packs of foxhounds in the county. Another clergyman, not seven miles distant from the former, had also an excellent pack of fox-hounds, with which he regularly hunted; and he had heard of a clergyman who, after his duties in the church had been performed, used to meet his brother huntsmen at the communion table, on the Sunday and arrange with them where the hounds were to start from on the next day. These were gross abuses, and perhaps the best mode of correcting them would be to give them publicity; for if he should not succeed in obtaining the commission for which he should move, what he now said might go abroad and produce some salutary effect. He was unwilling to detain their Lordships, or he might state many instances of such abuses, similar to those he had mentioned, and many of a much more serious nature. If their Lordships knew the many facts of this nature which had come to his knowledge within the last six months, they would feel astonished; but he would not publish them, as well on account of the nature of the facts themselves as of the disgrace which must attach to certain parties, and through them to the Church, from their disclosure. He did trust and hope, however, that something would be done to check such scandalous abuses. It was a disagreeable and painful subject upon which to enlarge; he did it with reluctance, for he knew it must be unpleasant to the House, but he begged of them to consider well before they negatived his Motion. Let them not be averse from every change—it was a law of nature that all things should change—nothing remained stationary; all things became in time either worse or better. He felt that in bringing forward the present Motion he ran some risk, but he had made up his mind to incur that risk. Some noble Lords might think there would be danger in what he intended to conclude by proposing, but he begged to remind them that they had only to do what was right—to obey the dictates of their consciences, and leave consequences in the hands of Almighty God. If they acted conscientiously, they might depend upon receiving the direction and guidance of the Holy Spirit; they had the warrant of God's word for that, and a surety that they would be safely carried through every difficulty into which they might be led from acting in accordance with a sense of duty. The greatest danger indeed that could occur to the Church would be to leave those matters without a remedy; for if they were neglected by those whose duty it was to check them, the consequences would be severely felt hereafter. It was only putting off the evil day, like the debtor who put off his creditor from time to time: the debt was claimed at last, when he was least able to pay it. Those who objected to the present application of the remedy, lest it should give an advantage to the enemies of the Church, should recollect, that those enemeis would become more powerful by the delay.

He wished the matter had been introduced years ago, and he should have felt it his duty to do so, had it fallen to his lot to have a seat in the House at that time. One reason why he introduced the subject just now was to be found in what had been stated in the other House by the right hon. Secretary for the Home Department—that the Church must now be defended by its own purity. The same opinion had been pronounced by the noble Duke (Wellington,) in that House—that the Church was to be defended by its own purity. But let no one be deceived by this. If they were to ask, where was the purity of the church, might they not be following an *ignis fatuus?* It was absurd to talk of relying upon the purity of the Church while such abuses as he had mentioned were allowed to remain without a remedy. Another reason for his Motion was, that the Church did not augment her forces, but that they were rather on the decline, in comparison with those of other Christian denominations. He found by a book,—the "Directory of the Roman Catholic Laity" that from the year 1824 to 1829, there had been an increase of fifty-three Roman Catholic chapels in England and Wales. There were fifty-three additional congregations of that communion since that period. He had also seen letters, stating, that since the passing of the Catholic Bill, 100 Protestants in Leicester had become converts to the Roman Catholic faith. He did not include amongst these the instance of a recent distinguished individual who had left the Protestant Church to embrace the Roman Catholic creed. He might also mention the increase of the numbers of those belonging to other religious communions as compared with those of the Church of England. When their Lordships saw these things, he thought they could not reasonably deny that an investigation of the cause was necessary. Another reason, and perhaps the strongest of all, for bringing forward this Motion, was the state of the country with respect to the increase of crime. If we wished to judge of the state of religion in the country, we might, with much propriety, look at the conduct of the people, and see how far, taken as a whole, the nation was advancing in morality. He found, by the returns made to Parliament, that in the year 1823, the number of persons committed for crimes in England and Wales was 12,663, while in 1829 it was 18,675. The convictions in 1823 were 8,204, and in 1829 they were 13,261*l.* In fact, the convictions in 1829 amounted to more than the committals in 1823. They had increased 6,000 in the course of six years. A stronger proof could not be given that the people were becoming less attentive to their religious duties, than that the moral conduct of the great mass was becoming worse and worse. He knew that there were two ways of correcting wickedness—by impressing on the mind the fear of offending God, and by the fear of the laws of men. The laws relating to offences had been much improved—our police establishments had been much improved, and these ought to tend to decrease crime; yet it was found to be daily on the increase. The habits of the lower orders were becoming daily worse and worse. Were they more attentive to church on Sundays? On the contrary, were not the gin-shops as open on those days as on any days of the week? Public houses were more frequented on that day than on any other, and it was well known that such was the state of drunkenness of the working classes on that day, that it was extremely difficult to get them to attend to their business on the Monday. Such was the state of the population, and it was evident that the Church was inefficient in correcting the lives of the people, notwithstanding its professions and pretensions were great, and its revenues and privileges immense. The cause of this insufficiency and of great laxity of moral and religious feeling, was a subject deserving of the most serious consideration; and with the view of instituting a proper inquiry into it, he should now beg leave to move—"That an humble Address be presented to his Majesty, praying that he would be graciously pleased to appoint a Commission to inquire into, and state whether any and what abuses existed in the Established Church of England and Ireland, and if any, to report what measures would be most expedient for the removal thereof."

Motion negatived without a division, there appearing only the voice of the noble Mover in its favour.

HOUSE OF COMMONS,

Tuesday, May 4.

MINUTES.] On the Motion of Sir J. GRAHAM, the Clerk of the Crown attended and amended the Return for the County of Limerick, by substituting the name of J. H. Massey Dawson, Esq. for that of Colonel O'Grady, who had been declared unduly elected. On the Motion of Sir H. PARNELL, a Select Committee was appointed to inquire into the Receipts and Disbursements of the Holyhead

Roads. Mr. Wilmot Horton obtained leave to bring in a Bill to direct certain Returns to be made to Parliament from all the Parishes of England and Wales; and to enable Parishes to raise Money for certain purposes of providing for the Poor therein set forth; providing for the probable charge by Annuities. Sir G. Murray obtained leave to bring in a Bill to Amend the Act of the 31 Geo. III. with a view of making more efficacious the Provincial Government of the Province of Quebec—Bill brought in. Mr. Frankland Lewis obtained leave to bring in a Bill to consolidate and amend the Laws relative to the Office of Treasurer of the Navy. A Bill was brought in to appropriate the Fees of the Offices of the Courts of Common Law.

Returns presented. The quantity of Sugar exported from the Mauritius since 1825:—The Sums of Money voted by the House of Assembly in Jamaica, and applied to the payment of the King's Troops:—Copies of Instructions or Letters relative to the operation of the 5 Geo. IV. c. 51 and 57 in Newfoundland:—Copy of Conditions for granting Land in New South Wales and Van Diemen's Land:—Copy of a Letter dated April 8, 1830, from W. R. Hay, Esq. relative to Revenues and Expenditure of the Cape of Good Hope, and other Colonies:—Copy of the Laws and Ordinances of the Governor and Council of New South Wales:—Copy of Correspondence relative to the Supply of the Metropolis with Water:—Persons holding Offices in the Colonies not in the execution of their Duties.

Returns ordered. On the Motion of Sir H. Parnell, Hides imported, and from whence, between 1810 and 1815, and 1824 and 1829:—Quantities of Cinnamon, Mace, Nutmegs, Cloves, and Cayenne, and other Peppers, entered for Consumption, with the Rates of Duty payable on each, and Revenues derived from them in each year since 1818:—Quantities of Hemp imported, the Rates of Duty, and the Amount of Revenue derived from it during each of the last five years:—Quantities of Cheese, Butter, and Eggs imported in each year during the last seven years, the Rates of Duty on each Article, the total Amount of Revenue obtained from it in each year, and the country whence imported:—The number of Watches stamped each year at Goldsmiths' Hall since 1814:—Rates of Duty on Tallow, Wax, and Spermaceti Candles, the qualities produced, and Revenue derived from each in each year since 1800:—On the Motion of Mr. Fowell Buxton, the number of Persons executed for Forgery during each of the last ten years, describing the nature of the Forgery. On the Motion of Mr. O'Connell, Monies received as fines by the Dublin Police, and paid into the Bank of Ireland for the last twenty years, with the Accounts of the Receivers of the Police of Dublin. On the Motion of Sir R. Wilson, all Prosecutions instituted under that clause of the Stamp-act which relates to entering Pamphlets.

Petitions presented. Against the Sale of Beer Bill—By Mr. Alderman Wood, from the Inhabitants of St. Botolph, Aldgate; and from the Licensed Victuallers of Beccles, Suffolk:—By Mr. Guest, from the Publicans of Merthyr Tydvill:—By Mr. Birch, from those of Nottingham:—By Mr. Crompton, from the Inhabitants of Derby:—By Mr. Huskisson, from the Burgesses and others of Liverpool:—By Mr. J. Marshall, from the Publicans of Bradford:—By Mr. Rickford, from those of Aylesbury:—By Sir C. Hastings, from those of Ashby de la Zouch:—By Lord Stanley, from the Clergy and Magistrates of Blackburn:—By Mr. Legh Keck, three Petitions from Parishes in Leicester:—By Mr. Fleming, from a Parish in the Isle of Wight:—By Sir W. Heathcote, from Fareham, Hants:—By Lord C. Manners, from a person named Watts; and from the Licensed Victuallers of Wisbeach:—By Mr. N. Calvert, three Petitions from Hatfield, Bishop-Stortford, and a Parish in Hertfordshire:—By Sir J. Astley, two Petitions from Bradford and Trowbridge:—By Mr. Rumbold, from Publicans at Yarmouth:—By Sir T. Fremantle, from the Licensed Victuallers of Amersham; and from St. Mary's, Teddington:—By Mr. Ward, from those of St. Luke's, Bethnal Green:—By Lord Viscount Milton, from the Publicans of Leeds, Huddersfield, and Halifax:—By Mr. O'Connell, from the Publicans of Kidderminster:—By Mr. Slaney, from Whitchurch:—By Sir H. Mildmay, from Winchester:—By Mr. O. Cave, from Sussex:—By Mr. Coke, from the Norfolk Agricultural Society; and the Yeomanry of the County of Norfolk:—By Mr. Littleton, from eight places in Staffordshire:—By Sir E. Kerrison, from Ardale:—By Mr. Houldsworth, from Market-Harborough:—By Lord Sandon, from the Corporation of Tiverton, and the Victuallers of Tiverton:—By Mr. Wells, from Maidstone and Aylesford:—By Sir W. Ingleby, from Horncastle and Louth, in Lincolnshire:—By Mr. N. Fellowes, from the Town of Huntingdon; and two other places in Huntingdonshire:—By Mr. B. Baring, from Thetford:—By Mr. Monck, from the Brewers and Magistrates of Reading; from the Publicans of Reading; and the Publicans of the Isle of Wight:—And by Sir T. Lethbridge, from the Owners of Public-houses, not being Brewers, in Bath. Against the forced Contribution to Greenwich Hospital, by General Phipps, from the Seamen of Scarborough. For uniformity in the mode of keeping Parish Accounts, by Lord G. Lennox, from George Gunning, of Frendsbury, Kent. Against the Abolition of the Welsh Judicature, by the Earl of Uxbridge, from the Magistrates of Anglesey. In favour of the Abolition, by Mr. Wynn, from the Freeholders of the County of Montgomery. Against the Truck System, by Mr. Bright, from the Clergy, Manufacturers, and others of Bisley and Brinscomb Port, of Painswick, of Caincross and Ebley, and of Nailsworth and Woodchester:—By Mr. Benett, from the Manufacturers of Trowbridge:—By Mr. G. Lamb, from the Inhabitants of the Colliery Districts of Monmouthshire. Against the increased Duty on British Spirits, by Mr. O'Hara, from the Land-owners and Land-occupiers of Galway:—By Mr. Western, from Occupiers and Owners of Land near Colchester:—By Lord Tullamore, from the Land-owners of Tullamore:—By Mr. Downie, from Scarawalsh. Against the increased Stamps on Newspapers in Ireland, by Mr. O'Connell, from the Newspaper Reporters of Dublin. In favour of the Court of Session (Scotland) Bill, by Mr. Archibald Campbell, from the faculty of Procurators of Glasgow. For protection against the vending of Tea by Hawkers and Pedlars, by Mr. Bright, from the Tea-dealers of Bristol. For the Repeal of the Parishes Vestry Act (Ireland), by Sir H. Parnell, from the Justices of the Queen's County. Against any additional Duty on Corn Spirits, by the same hon. Member, from the Farmers and others of Upper Ossory:—By Sir J. Newport, from the Inhabitants of Spelburne, in the County of Kilkenny. For holding the Assizes for the West Riding of Yorkshire at Wakefield, by Lord Milton, from the Inhabitants of Mirfield, of Henley, of Scammonden, and Pontefract. For protection to West-India Property, by Mr. Huskisson, from Proprietors, Mortgagees, &c. of Plantations in Demarara, Berbice, and St. Lucia. For the Abolition of Slavery, by Mr. R. G. Russel, from Protestant Dissenters at Thirsk. Complaining of Distress, and praying for the Repeal of Taxation, by Mr. S. Bourne, from the Inhabitants of Eling, Hants:—By Lord F. Osborne, four Petitions from Parishes in Kent:—By Sir W. Heathcote, from several Parishes in Hampshire:—By Mr. O. Cave, from Ansley, Leicestershire:—By Lord Rancliffe, from Thomas Warsop, of Nottingham. For opening the Trade to China, by Mr. Legh Keck, from the Inhabitants of Hinckley:—By Mr. Cawthorne, from the Corporation of Lancaster:—By Mr. G. Lamb, from Dungarvon:—By Mr. T. Dundas, from the Clothing District of Horsforth. Praying for Relief, by Sir J. Newport, from James Stanley, Parish Clerk of Killeedy (Limerick), who had lost his employment and emoluments by the Parish Church having been burnt down by Insurgents. Against the Laws regulating the Admission of Surgeons into Colleges, by the same hon. Baronet, from the Surgeons of Waterford. Against the Duty on Tobacco grown in Ireland, by the same hon. Baronet, from the Cultivators of Tobacco in the County of Waterford, and from those of Kilkenny. For the Repeal of Stamp Duties on Receipts, by Mr. Robinson, from the Inhabitants of Worcester. Against the Poor-laws Amendment Bill, by Lord Euston, from the Guardians of the Poor of the Parish of Bury St. Edmund's. In favour of this

Bill, by Mr. J. Marshall, from the Overseers of the Poor of Leeds:—By Mr. T. Dundas, from the Inhabitants of several Parishes in the City of York. For the Abolition of the Punishment of Death for Forgery, by Mr. Huskisson, from the Inhabitants of Liverpool:—By Mr. Western, from the Inhabitants of Great Bardfield and Kelvedon. Against the Irish Vestries Act, by Mr. O'Connell, from the Inhabitants of St. Peter's, Dublin; and of St. Andrew's, Dublin. Against certain Tolls in Ireland, by the same hon. Member, from Naas. Against the Coal-duties (Ireland), by the same hon. Member, from the Householders of Balbriggan. By the same hon. Member, from certain operative Cotton Spinners of Manchester, against excessive Labour. In favour of the Jews Relief Bill, by Mr. T. P. Courtenay, from the Inhabitants of Totness. In favour of the Poor-laws in Ireland, by Mr. Sadler, from the Town of Tullamore:—And by Mr. Brownlow, from the Parish of Kilcleigh, Westmeath.

Emancipation of the Jews.] Mr. *Bright*, in presenting two Petitions—the one from British-born Jews resident in Bristol, the other from a great number of Christian inhabitants of Bristol, of every denomination, praying that the Jews might be placed on an equality in respect of civil rights and privileges with their fellow-subjects—took occasion to observe, that the general feeling at Bristol was greatly in favour of the Emancipation of the Jews. The petitioners affirmed, that they knew the Jews to be distinguished for their loyalty and good conduct, and they thought this persecuted people were entitled to be placed on an equality, in respect to civil rights and privileges, with their Christian fellow-countrymen. Whenever the question should come before the House he would be most happy to assist in removing the greater part, although, perhaps, not all of the disabilities under which the Jews at present laboured.

Mr. *Protheroe* begged to call the attention of the House to both these Petitions, as well deserving of it. As the argument against the Emancipation of the Jews seemed to have taken a religious tone, he must be allowed to observe, that the character of the inhabitants of Bristol was as religious as that of any other body of individuals in the kingdom, and yet that there was a strong feeling among the intelligent classes in that city in favour of the emancipation. If they had the least apprehension that it would expose the Established Church, or the Constitution to any danger, they would be the last people of the Empire to petition in favour of it. Whenever the subject came regularly before the House he should certainly vote for full and entire emancipation.

Mr. *Huskisson* said, he also had a Petition to present on the same subject, to which he begged shortly to call the attention of the House. It came from a number of Bankers, Merchants, and other inhabitants of Liverpool, stating that in their opinion the civil disabilities under which the Jews laboured were as contrary to the spirit as they were injurious to the interests of Christianity; and they consequently prayed that the bill in progress through the House, for relieving persons of the Jewish persuasion from all civil disabilities, might pass into a law. The Petition was signed by above 2000 persons; among whom were comprehended not only the Mayor of Liverpool and many members of the Corporation, but every banker, and almost every merchant of weight in the town. An hon. friend of his had told him that he had never known any petition from Liverpool more numerously and respectably signed. It was also signed by several clergymen of the Church of England. Under these circumstances, he trusted it would have the influence to which it was entitled. There might be exceptions; but he believed that, generally speaking, the persons the most religiously disposed in Liverpool were decidedly favourable to the emancipation.

General *Gascoyne* observed, that although he most readily bore testimony to the number and respectability of the individuals who had signed the Petition, and agreed fully with his right hon. colleague that for many years no petition had been more numerously and more respectably signed; nevertheless, feeling as he did, that the principles which induced him to oppose the introduction of the Roman Catholics into an entire participation of the civil privileges of their fellow-subjects equally operated on his mind with reference to the Jews; he felt himself bound to say so. His right hon. friend acted consistently with the principles which induced him to vote for Catholic emancipation, in supporting the emancipation of the Jews; a proposition which it had been last Session foretold would be made before a year had elapsed. On the broad principle of an established religion being necessary, he should oppose the bill in every stage. After having voted against the Catholics it would be paying them a very bad compliment now to vote in favour of the Jews.

Mr. *O'Connell* thought that, so far from an opposition to the bill being a compliment to the Catholics, the only compliment the gallant Officer could make to them would be to vote for this bill, and for every measure of religious emancipation. The political reasons which operated with many persons to induce them to oppose the Catholics could have no influence in the case of the Jews, and any opposition to them must be founded on principles of religious intolerance, which the Catholics did not wish to see acted on.

Sir *John Brydges* would give the bill all the opposition in his power whenever it came before the House.

Mr. *Huskisson* thought that those who had voted against the Catholics might consistently support the bill for emancipating the Jews.

Petitions to be printed.

PETITION OF INDO-BRITONS.] Mr. *Wynn* said, that he regretted that the duty of presenting the Petition which he then held in his hand had fallen upon him, in consequence of the indisposition under which his noble friend, the member for Woodstock (Lord Ashley) was labouring. He regretted that the Petition, when presented by him, would lose that weight which it would have derived from being presented by the noble Lord, not merely on account of his official character as one of the Commissioners for the Affairs of India, but also on account of the great diligence and attention which he was in the habit of bestowing upon all subjects connected with that country. He had to observe that the Petition was very numerously signed by the Christian, and he might call them very respectable inhabitants of Calcutta and the provinces comprised within the Presidency of Fort William, descended on one side from the European subjects of the Crown of Great Britain, and on the other from natives of India, who might therefore be denominated Indo-Britons, though they were more generally known by the title of half-castes. The grievances of which the Petitioners complained were numerous, but might, he believed, be comprised under two heads. Whilst they lived in Calcutta, within the limited jurisdiction of the Supreme Court, they were ruled in their civil relations by the laws of England; but the moment they passed beyond that jurisdiction, they complained that they were placed beyond the pale of all civil law, whether British, Hindoo, or Mahomedan. They likewise complained that they were excluded from all superior offices in the civil and military services of the East-India Company. To this subject he had alluded last year, when he had the honour of presenting a petition from the natives of India, complaining that they were excluded from all offices of trust and emolument in the land of their fathers. For his own part he could not separate the cases of these two different classes of petitioners. This, however, he must say, that whatever arguments applied to the case of the natives of India, applied with much greater force to those unfortunate individuals who were the subscribers to this petition. They, at least, were of our blood and of our religion: many of them were educated in this country, and were thus possessed of capacity and acquirements of the finest description. Though they professed themselves to be, and actually were Christians, they were, when in the interior, amenable to the Mahomedan criminal law. They were thus deprived of all the advantages of Trial by Jury; and when accused of offences, were liable to be fined and imprisoned, and corporally punished, not merely by European, but also by Mahomedan officers of justice. Questions might arise as to the validity of their marriages; and all such questions must be decided, not according to the principles of Christian, but according to those of Mahomedan law. How great the disadvantages were which arose from this system had been made apparent in the inquiries which had been recently instituted into this subject by the committee now sitting on the East India Company's charter. A great many females, the daughters of European fathers by native mothers, were married to European officers high in the service of the Company at Calcutta. Among the officers who held the highest situations on the staff in the Company's service at Calcutta, there was not at present one who was not married to a female of Indian descent. Supposing that an offence was charged against any of these married couples, whilst residing in the interior, the husband would be sent to Calcutta, to be tried by Europeans, according to the principles of British law; but the wife might be tried and condemned before any Mahomedan magistrate. This was not merely a grievance in itself, but it gave rise to a feeling among the half-castes that they stood in a different situation from their European relations, with whom they would otherwise mix upon terms of equality, and to whom they were, in point of fact, equal in this country. There was nothing in the law or constitution of this country to prevent any half-caste from being elected a Member of Parliament, or from taking his seat as such in that House, They were sent over to this country for education; whilst here they received an education equal to that received by any Gentleman whom he was then addressing; and they were thus able to discharge the duties of any situation. The grievance which they felt the most severely was their exclusion by the East India Company from all employments in their service, civil and military. Within these few years this injustice, glaring as it originally was, had been considerably mitigated, for the exclusion had been confined to the sons of parents who were both natives of India. Formerly, any one who had a tinge of colour in his skin was certain to meet with obstruction after obstruction in his road to preferment, so that it was impossible for him to rise like other persons not more meritorious. It happened that, on one occasion, the son of an English officer by an English woman was darker than suited the taste of our military critics, and there was, in consequence, a refusal to grant him a commission. He knew that there were those who talked of the inherent prerogative of Europeans to fill all offices of importance and emolument in India. He should be ashamed to argue with those who upheld such doctrines. He should blush if he were compelled, even for any temporary advantage in argument, to go through the names of those who, in spite of these regulations, had worked out their way to greatness by the commanding force of their talents. He had mentioned last year the case of Colonel Skinner, who, though he was excluded, owing to his descent from a native mother, from serving in the East India Company's army, had raised a corps of 8,000 men for it during one of the late wars, and who had by that very action earned for himself the rank of lieutenant-colonel in the King's service, and obtained the cross of a Commander of the Bath. He had had evidence placed before him within the last two days, which proved that Colonel Skinner's influence in India was so great that he could raise 10,000 men at any time. That officer was as gallant a man, and as loyally attached to his Sovereign, as man could be; and was it wise, he would ask, to make such a man, with such influence the object of proscription? If such a policy were to be permanently adopted, individuals in such circumstances would soon be animated with feelings of hostility to our Indian government. If the career of honour were shut against them, the talents which could not be used in its favour, would be used for its destruction. Others held it to be politic that these men should be systematically degraded, and why? "Because (said they) the natives of India look upon these half-castes in a very different manner from that in which they look upon Europeans." This mode of argument was really monstrous. The governors of India first placed these individuals in a state of degradation and then urged that degradation as a reason for continuing it. Whilst on this subject he would refer to the opinion which had been given upon it by Sir Thomas Monro. The right hon. Gentleman then read an extract from that gallant officer's correspondence to this effect:—"With what grace can you talk of your paternal government of India, if you exclude the descendants of European fathers by native mothers from all offices, and if, over a population of 50,000,000 you enact that no one but an European shall order any punishment? Such an interdiction is a sentence of degradation on a whole people, from which no good can arise. How can we expect that the Hindoo population will be good subjects unless we hold out to them inducements to become so? If superior acquirements cannot open the road to distinction, how can you expect individuals to take the trouble of attaining them? When obtained, they can answer no other purpose than that of showing their possessor the fallen condition of the caste to which he belongs. This is true of man in all countries. Let our own native Britain be subjugated by a foreign force,—let the natives of it be excluded from all offices of trust and emolument,—and then all their knowledge, and all their literature, both foreign and domestic, will not save them from being in a few generations, a low-minded, deceitful, and dishonest race." The right hon. Gentleman then proceeded to declare, that the whole of the correspondence of the able officer, from whose work he had just quoted a passage, deserved the attention of the House; and he should therefore move that it be laid before the Committee sitting on the Affairs of India. He could assure hon. Members that if they would take the trouble to read it through, they would be no less delighted than benefitted by the sentiments of enlightened humanity, and by the high-minded and liberal views which it contained. Before he sat down, he could not help observing, that the effects of this system of exclusion were not merely confined to a legal operation, but were also productive of great moral and personal degradation. He had found that to be the case during the period in which he had himself superintended the affairs of India. He had discovered that in a charitable institution, founded by Lord Clive, for the benefit of the widows and children of his companions in arms, and founded without the slightest intention of establishing any system of an exclusive nature, it was now arranged, that before any widow could receive the benefit of it, an affidavit must be made that she was not of native blood. By the regulations of the Military Fund, established at Madras in the year 1808, and at Bombay in the year 1816, it was stipulated, that it should be an indispensable qualification to any child who sought relief from it, that both the parent and the child should be European and of unmixed blood; and it was likewise added, that four removes from African or Asiatic blood should be considered as restoring the blood to purity. He considered that the state of society in which such regulations were publicly avowed and acted upon required revision and reformation. He therefore trusted, that whatever might be the issue of the inquiry now proceeding up-stairs, the House would take into its consideration the situation both of these petitioners and of the natives, and would admit them to every office which their education and acquirements rendered them qualified to discharge. He might perhaps be asked, "Would you wish the whole government of India to find its way into the hands of Asiatics?" To that question he would merely answer, that in his opinion the regulation, which he sought to obtain as matter of right for the half-castes, would never be extensively granted to them in practice, no matter in what hands the patronage of India might be hereafter vested, whether in those of the East-India Company or of the British Government. We might be sure that, under any Administration, favour would be shown to Europeans, and that nothing but decided merit would place an Asiatic on the same level with them. It was unwise to let the natives and the half-castes feel that the career of honour was shut against them; and in a House of Commons, which had removed the exclusion which for so many years had operated upon a large class of its Catholic fellow-subjects, an exclusion which had only been justified on political grounds, even by those who advocated its continuance—in a House of Commons which had also taken the first step to emancipate the Jews from the state of degradation to which they had been so long consigned by the law of this country,—in such a House of Commons, he said, he did not expect to find any opposition made to so reasonable a prayer as this—that men should not be shut out from all offices of trust in the country of their birth, simply because they derived their being from its original inhabitants. He moved that the Petition be brought up.

Mr. *Stuart Wortley* thought that as the whole subject of the government of India was at present undergoing the consideration of a committee above stairs, the present was an unfit opportunity to enter into a discussion of the situation of that class of persons from whom the Petition purported to come; yet, after what had passed, he should not feel himself justified, if he suffered the Petition to be brought up, without presenting a few observations to the notice of the House. The principal object he contemplated, in rising to address the House, was to assure the right hon. Gentleman, the House, and the petitioners, that the half-castes were not looked upon with any of that contemptuous feeling which they attributed to the government of India. He assured the House that there existed every disposition on the part of the Government to pay proper attention to the wishes and interests of the class of persons to which the petitioners belonged. Government was always ready to relieve them from any grievances under which they might suppose themselves to be labouring, provided it could be done consistently with the good government and safety of our Indian possessions. Amongst the grievances alluded to in the Petition, there were some such as the laws relating to marriage and succession, which might be remedied—there were others which required much caution and deliberation, because they involved important considerations respecting the government and even the safety of our possessions in India. He considered also, that it would be inconvenient to enter into any discussion of them in bringing up a petition, more particularly as there was then a committee sitting to investigate all the affairs of India. It was to that committee rather than to the House, that he should wish to refer the whole subject, particularly as it had already made some inquiry concerning it. The committee had ascertained that the number of persons of the description of the petitioners in the province of Bengal was about 2,000, and of these, it had been stated by one of the witnesses examined before the committee, about 1,500 were fit for holding offices. Now he could not think that these people had much to complain of, for it was also given in evidence that about two-thirds of them, or 1,000 actually held offices of one kind or another. He did not mean to say that such a statement was an answer to the allegations of the petitioners, but it was a clear proof that in practice they were not excluded from employment to such a degree as their Petition might lead Members to suppose. He was one of the last persons to throw any obstacles in the way of the petitioners; he had no prejudices against any caste or colour, but he deprecated discussion on the important questions involved in the Petition, and he could assure the House that the Government was ready to give the subject that grave and serious consideration which it deserved.

Sir *J. Macintosh* said, he had had an opportunity of observing the conduct and character of that class of persons whose petition was then under discussion, and he had inquired and reflected much respecting them. He had heard much too, of the natural inferiority of particular races—that there was one race born to command, and another to obey; but this he regarded as the common-place argument of the advocates of oppression; and he knew there was no foundation for it in any part of India. This, he declared, he spoke upon due consideration, because he had observed boys of all races in places of public education. He had observed the clerks in counting-houses, and even in the Government offices, for some were admitted to the subordinate situations, and thus allowed to sit in contact as it were with all the objects of their ambition, though they were only tantalized by the vicinity of that which they could never attain. He was convinced that there was no race, not actually in a state of slavery which was used with more needless harshness than that to which the petitioners belonged. He did not agree with the hon. Secretary to the Board of Control that the House ought not to enter into the subject because it was to come before the committee, for that committee could not go into all the questions connected with India; and unless the House took frequent opportunities to discuss many of those questions, it never would be ripe for the proper consideration of the great and extensive subject of settling the government of our Indian possessions. He was surprised to hear the hon. Member insinuate a charge of exaggeration against the petitioners, for if he would reflect on their conduct, he must see that their patience had been exemplary under many years of negligence and insult; and instead of reproaching them for now complaining, he ought to have expressed admiration at their having been so long silent. The stigma, the brand, was still upon them, and they suffered all the inconvenience of a degraded situation; being deprived of those honours and rewards that ought to be gained by their exertions. It was no answer to him to say that these people were excluded by usage, but not by law. They were excluded by no fault of their own, by no actual offence on their part, and the exclusion, whether operated by law or usage, ought to be put an end to. The hon. Secretary left out of consideration some of their chief complaints. He referred to their marriages, but by what rules they were regulated he (Sir James Macintosh) did not know—certainly not by the laws of England, and not by the Mahomedan laws, so that the half-castes were in a state of outlawry. The regulation about offices was intended only to exclude them from the highest offices of the Company's Service, but in fact it was acted on to exclude them from the meanest offices, even those held by Mahomedans. The law did not exclude them, but it was the evil of tyrannical laws that they led to still more tyrannical practices; and if the legislature wished to see the people tolerant towards each other, it must not set the example of intolerance by legal exclusions. All experience shewed that whenever the law declared one class of men inferior to another, the inferior class was visited by greater evils and more severe degradation than that contemplated by the law. Nobody who knew him would doubt the esteem he entertained for the great majority of those with whom he had the happiness to be acquainted in India. He did not believe that greater generosity or a finer sense of honour was to be found in any class of men, either at home or in our foreign possessions, but he must nevertheless say, that to him their conduct in this respect was not praiseworthy. The law of the half-caste which they had suggested, had a most odious appearance—one which he was almost afraid to mention, but which he would mention, because he thought it was well that the Government should know what appearance it bore—it had the odious appearance of disfranchisement, made by fathers against their children. Those who made those regulations did not, it was true, contemplate them in this odious light, but seduced by motives of state policy, they had done as public men, what as private individuals they would have recoiled from with horror. He would not longer delay the House, except to express the delight he felt at having read that morning an account of a meeting held at Calcutta on December 15, at which the speeches delivered in the English language by two Hindoos of high rank and considerable wealth, would have done honour to any assembly of Europeans. One of them had embraced the Christian faith, notwithstanding the degradation to which natives professing Christianity were exposed. That man eminent too for his learning, said that he was convinced that the more the Hindoos came into contact with English gentlemen the more they would improve in morality and knowledge. In this view he cordially concurred, and that improvement would be promoted by nothing so much as by abolishing all political and civil distinctions between the different castes. He therefore was ready to give the Petition his warmest support.

Mr. *Cutlar Fergusson* said, that shortly after he had obtained the honour of a seat in that House, he had called its attention to the hardships suffered by the class of half-castes in India. He was happy to be able to say, that a liberal system was gradually making its way in India, and he was convinced that, in point of policy, the British Government must draw more largely than it had done on the intelligence of the native inhabitants of India. There were some statements in this petition that were questionable; but at the same time it was quite true that those persons were in a painful situation, they could not tell what law they were under—they were treated neither as natives nor as Britons,—and he hoped that some means would be taken to put an end to the disabilities under which they now laboured. There was one point which had not been noticed, but which was deserving of consideration—he meant the situation in which those persons of half-caste, who were Christians, stood with regard to the other inhabitants of India. He thought that both in policy and justice these persons, being Christians, ought not to be subject to laws which were administered by Hindoos. He could bear testimony to the honour and ability of the half-caste, whom in those respects he considered equal to the European of full blood. The questions relating to the condition of these persons were well deserving of consideration. He trusted that the grievances of which they complained would be done away with, but the Government must proceed by degrees, and after grave deliberation.

Mr. *W. W. Whitmore* supported the Petition, and expressed his satisfaction that it had been brought forward, as it would show the Indian population that the House of Commons felt interested in their condition.

Sir *C. Forbes* concurred with all that had been said as to the justice and propriety of removing the disabilities of the half-caste of Indo-Britons. He had been seventeen years in this country, after having been twenty-two years in India; the more he saw of the old country the better he liked the natives.

Mr. *C. W. Wynn* said, in reply to the observations of the hon. Secretary to the Board of Control, begged leave to state that the highest office held by any of the class whose petition he had presented, did not yield more than 700*l.* a year. They were excluded from all military-offices, and from all civil-offices directly under the Government, and all such appointments contained the words "provided he (the person appointed) be not a native of India." There was no reason why this exclusion should be continued, nor why native Christians should be worse off than any other class.

Mr. *Stewart Wortley* was not aware that these exclusions were contained in the instructions sent out by the directors, or in the appointments which emanated from them.

Mr. *John Stewart* also bore testimony to the merits of this class of native population in India, and he hoped the Government would remove the disabilities under which they now laboured. He was glad even of this hasty discussion, and he did not think the opportunity an improper one, for the more the question was discussed the better would the House be able to legislate on the subject of India, when it was formally brought before it. He agreed in the representations made in the Petition. The petitioners by being excluded from European society, were treated with contempt by the natives, and were thus subject to more causes of irritation than were perceptible in the regulations.

The Petition laid on the Table.

Mr. *Wynn* moved for a copy of a Minute of the late Sir T. Munro, relative to the state and condition of the inhabitants of Fort St. George.—Ordered.

BEER-TRADE.] Mr. *C. Calvert* presented a Petition, not from brewers or publicans, but from the Vicar, Curate, Churchwardens and Overseers of the Parish of Isleworth, against the Bill now brought in to allow the sale of Beer in houses without regard to the character of the occupier, the wants of the public, or the wishes of the neighbourhood, and without consideration for the ruin of those who had already invested their capital in public-houses. The petitioners stated, that they viewed the progress of this Bill with alarm, and were convinced, that if it became a law, it would be productive of much mischief. For his own part he believed that the House would soon regret the ruin it would be sure to occasion, and the country gentlemen who were now so anxious to support the measure, would, ere long, rue the day in which they gave it their assent. The same hon. Member, presented another petition from three hundred persons, Inhabitants of the Parish of Paddington, against the said Bill; and a third Petition from one Stanley Gainer, of Seacombe, in the county of Chester, who complained, that having laid out the sum of 3,000*l.* in building a house intended as a public-house, that he was now in danger of being ruined by a person who, in anticipation of the change to be occasioned by the Bill then in progress, had purchased a small house, where at the expense of 30*l.* a year he would be able to retail Beer to all the neighbourhood.

The three Petitions were laid on the Table.

Mr. *Byng* presented a Petition, signed by 5,000 persons, occupiers and owners of public-houses in London, and its vicinity, against the Bill, and observed, that if it were passed into a law, it would decrease the ease and comfort of all gentlemen who lived in the country, and would be the ruin of many respectable men who had advanced their capital on speculations in public-houses.

Mr. Alderman *Thompson* begged leave to support the prayer of the Petition, many of the petitioners being among his constituents. He regretted very much that it was the determination of the Government to persevere in promoting this Bill; and he hoped, even in that case, that the part which allowed Beer to be drunk on the premises where it was sold would be struck out. He was of opinion that that part of the Bill would have a most pernicious effect on the morals of the lower classes. He had no objection, neither had the petitioners, to Beer being sold by a greater number of persons than at present, but they objected to those persons, without a license or any guarantee for their character, being allowed to supply parties with accommodation for drinking it on their premises. He was of opinion, that a great deal of mischief would result from the change, and he therefore wished that it should be made gradually—for example, it would be better to wait and see what would be the effect of abolishing the duty on Beer, before allowing every body who chose, to set up a public-house. For his part he could not give his assent to so great and sudden an alteration as was contemplated by that Bill. He was glad that the member for Reading meant to move an amendment to it, for if everybody were allowed to sell Beer, every gentleman might be subject to the annoyance of having a public-house at his door, where the most abominable characters might plan the commission of every species of crime. He believed that all the vigilance of the new police would be insufficient to counteract such temptations to disorder. Moreover, the Bill set aside a number of Acts of Parliament, which, whether for good or evil, had secured to certain parties a monopoly, and induced them to buy and sell under that restriction, which gave a fictitious value to property. Were the owners of property that might be depreciated by the new measure to receive no compensation for their loss? He recollected, that when a bill was brought in for altering the system of County Courts, by the noble Lord, the member for Northamptonshire, that it was not carried into effect on account of the expense of compensating the officers of those courts. It was considered that the expense would be greater than the benefit to be derived from the alteration; in that case, and in many others which he could quote, the House recognised the principle of compensation, and if the proposed alterations were made in the Beer-trade, those who would suffer by those alterations ought to receive some compensation. If that were to be the case, the legislature should adopt a less extensive measure, which would enable it to compensate those whom it might injure. Let the trade be opened—but let it be accompanied with a prohibition to consume Beer on the premises where it was sold, except in regular licensed houses.

Mr. Alderman *Waithman* thought, the call for compensation was made too soon, nor could he see the analogy between opening the trade in Beer, and regulating the County Courts. The existing system was very bad; the alteration of the law was intended for the public benefit, and he therefore was favourably disposed towards it. At the same time, as much property had been embarked under the old system, he hoped that some provisions would be adopted in the committee to give, as far as possible, protection to that property, so that the owners of it should not, for the public advantage, suffer a grievous injury.

Mr. *Benett* was in favour of the bill, conceiving that the monopoly of public-houses by common brewers was a great evil, which would be remedied by the present measure. He saw no other vested rights endangered by it but those of the brewers, which ought not to be protected. Every poor man who had no other home than the public-house, should be allowed to enjoy himself freely there, and should not be taxed to support opulent brewers and publicans. He wished he could prevail on the right hon. Gentleman opposite to abolish the Malt-tax as well as the Beer-tax; the article would then be made much cheaper and the poor be proportionably benefitted.

Petition to be printed.

LAW RELATING TO FORGERY.] Mr. *F. Buxton*, on presenting Petitions from Darlington, Kirkby Kendall, and Kingsbridge, against the severity of the law against Forgery, even as it was proposed to be amended, said that he did not mean to make any observations on the subject, but he begged leave to read the following extracts of letters from highly respectable bankers:—

"*Sunderland Bank, April* 21*st*, 1830.
"The inefficacy of the existing law is most glaring, and bankers, who, perhaps, see more infractions of this law than all others put together, have long and keenly felt upon this subject. Between fifty and sixty years have elapsed since our first establishment, and during the whole of this period, although numberless forgeries have passed under our observation, yet in no instance, excepting one, have we dared to prosecute, because we should have hazarded the life of a fellow creature; and in that one instance two individuals in all probability would have forfeited their lives, but for our withholding the fatal evidence."

"*Banbury Bank, April* 21, 1830.
"If the Home Secretary were made acquainted with the sentiments of the banking interest generally on this subject, he possibly might be induced to propose a less sanguinary punishment for offences of this description."

"*Wakefield, Yorkshire, April* 23, 1830.
"I am largely interested, as a banker, in the West Riding of this county, in the towns of Wakefield, Doncaster, and Pontefract. After a long experience I can declare, that I shall rejoice to see the new law with milder penalties, conceiving myself now placed out of the protection of law, as I feel it impossible to prosecute offences where such a penalty is assigned."

IRISH CONSTABULARY FORCE.] Mr. *O'Connell* rose to move for a return of the number of persons who had been killed by the Police in Ireland since the passing of the Act for the establishment of the Constabulary Force in that country. The effect of that establishment had been, that whenever the people resisted the police, they were put to death by them. In England, resistance to the police was a misdemeanor; but in Ireland it was punished with death. As he was desirous to know how many persons had so fallen, he moved that an humble Address be presented to his Majesty, praying that he would be graciously pleased to order that there be laid before the House an account of the number of persons in Ireland that had been put to death by the police in that country since the passing of the Act of the 3rd of George 4. cap. 103, amended by the 5th of Geo. 4. cap. 28, for the establishment of a Constabulary Force in Ireland, distinguishing the number that had been put to death in each year.

The *Chancellor of the Exchequer* remonstrated with the hon. and learned Gentleman on the form of his Motion. The hon. and learned Gentleman must surely be aware of the very great mischief which a return to such a motion would be calculated to produce. If the hon. and learned Gentleman persisted in his Motion he must oppose it.

Mr. *O'Connell* said, that he was indifferent as to the form; all that he wanted was to get at the facts. He did not mean to impute any blame to the police; he only wanted to know how many lives had been sacrificed by them. However, he would withdraw his Motion for the present, for the purpose of bringing it forward in another shape.

Mr. *Doherty* said, that his right hon. friend, the Chancellor of the Exchequer, had adverted to the extraordinary form of the hon. and learned gentleman's Motion; he (Mr. Doherty) begged to say a few words with respect to the comments by which that Motion had been accompanied. The hon. and learned member for Clare, if he (Mr. Doherty) had not misunderstood him, had stated broadly that in Ireland it was the practice, whenever resistance was made to the police by the people, for the police to put the people to death. Now really he was at a loss to conjecture how it could happen that a person of the hon. and learned Gentleman's knowledge and experience, accustomed as he was to measure his expressions, could make such an assertion as that, and subsequently declare that he meant no offence by it! If the fact were really as the hon. and learned Gentleman had stated it; if the police in Ireland were constantly in the habit of putting to death all persons who made any resistance to them, it was the hon. and learned Gentleman's bounden duty to submit the subject immediately to the solemn consideration of Parliament. He was the more surprised that the hon. and learned Gentleman had indulged in such observations in making a motion, of which he had not given any notice, when he might have had such abundant opportunities of substantiating his charges, if they were capable of being substantiated, by producing the petitions against him with which the hon. and learned Gentleman had been intrusted for the purpose of presenting to that House, but which the hon. and learned Gentleman had thought proper to transmit to the Irish Government. The hon. and learned Gentleman knew well, that on the occasion on which he had impugned his (Mr. Doherty's) conduct, that that conduct was calculated to allay the irritation which had grown up between the people and the police; and no man in the creation knew better than the hon. and learned Gentleman what bitter feelings had been cherished between them. The hon. and learned Gentleman well knew the fact that the police came out entirely blameless from the investigation of their conduct by several impartial juries, who pronounced a verdict of acquittal. He was not very skilful in construing the expression of the human countenance; but if he did not greatly deceive himself, he saw a smile on the hon. and learned Gentleman's countenance at the word "impartial." All that he wished was, that the hon. and learned Gentleman would but give him an opportunity of answering his words, and not his gestures. After the misrepresentations which the hon. and learned Gentleman had spread of him in Ireland, all that he wished was, that in the face of the House, and in the face of the country, he would join issue with him on the question. Whenever that time should come he would pledge himself to prove, that all which had been alleged respecting the trials in question was utterly false; he would pledge himself to prove, that the attacks which for the last eight months had been made upon him as prosecutors, both in the speeches of individuals and by the press, were entirely destitute of foundation. He utterly denied that he challenged any juror on those trials because he was a Catholic. He now asserted, and whenever the opportunity was afforded him, he was ready to prove, that a fairer and fuller investigation had never taken place than in those proceedings which the hon. and learned member for Clare had so often reprobated out of that House, but which it was a matter of so much difficulty to induce him to discuss within them. He begged pardon of the House for having thus occupied its attention; but if any of those who heard him were interested in the peace and tranquillity of Ireland, and entertained feelings of sympathy and kindness for the deluded people of that country, they would feel the importance of endeavouring to protect them from the attempts which were making, by every kind of irritation, to keep up the spirit of discord among them. If lives had unfortunately been already lost, and if others should be endangered, let the blood be on the heads of those who, by their conduct, endeavoured to excite the unfortunate people of Ireland in every possible manner to offer resistance to legal authority.

Mr. *O'Connell* was surprised that the hon. and learned Gentleman had expatiated so largely on the subject, as there was no opportunity at the present moment to go into the facts of the case. His (Mr. O'Connell's) only object in the Motion which he had just made was, to elicit facts, and to ascertain how many lives of his Majesty's subjects in Ireland had been sacrificed by the employment of an armed police. When he spoke of the lives which had been lost in resistance to the police, he spoke of evil resistance; and he did not mean to say that lives were lost on all occasions. If, however, a single life were lost in resistance to the police, he had no sympathy with those who did not contemplate with compassion the tears of the orphans and the widow thereby created. Whatever men high in office might think of such occurrences, by him they would always be deeply lamented. He did not know to what the hon. and learned Gentleman alluded when he spoke of his (Mr. O'Connell's) assertions respecting him. What he had asserted was derived from persons who had put their assertions into the shape of petitions, and said they were ready to prove them. He had been prevented from bringing the subject forward, because it appeared that, as far as the hon. and learned Gentleman was concerned, he had been guilty only of mismanagement, and if so that mismanagement had been favourable to the prisoners;—If the hon. and learned Gentleman had erred, he had erred only in favour of the prisoners. After he had sent the petitions to the noble Lord, a book was published, which gave a different account of the affair from that which he had originally received, and that induced him to pause until he could ascertain which was the right view of the case. The hon. and learned Gentleman courted investigation. He (Mr. O'Connell) had not, however, made any declaration in which the hon. and learned Gentleman was involved. As to the origin of an affray, in which several lives were lost, he knew nothing of it, though he cared not who imputed to him an effort to induce the people to resist authority, for it was well known that he, and those who voted with him had preached peace and submission to the people. The riot to which the hon. and learned Gentleman alluded, commenced casually at a fair, and had no more connexion with politics than it had with any of the abstract sciences. The only object of the Motion which he had submitted to the House was, to bring before it facts connected with the system of employing an armed police. He would, however, withdraw it, for the purpose of altering its form; and he would take the present opportunity of giving notice, that on the 10th of June he would move for leave to bring in a Bill to repeal the Act by which Vestries in Ireland were empowered to levy a rate for the building of churches.—Motion withdrawn.

CATHOLIC CHARITABLE BEQUESTS.] Mr. *O'Connell*, in moving for leave to bring in a Bill to place the Charitable Bequests and Donations of Roman Catholics in Great Britain on the same footing with those of Protestant Dissenters, observed, that the necessity of the measure was obvious, and the propriety of remedying the evil which existed equally obvious. In Ireland, the Bequests or Donations of Roman Catholics, for charitable or benevolent purposes were fully protected, and with the exception of some expense for the renewal of the names of Trustees, when the former ones died or retired, they enjoyed the same privileges as the Protestants or Dissenters. In England the case was very different. Here the Legislature, in the repeal of various penal laws which affected the Catholics, as well as in the great Relief Bill itself, had proceeded on the principle, not of repealing the Acts, but of repealing the oaths imposed by these Acts, and substituting other oaths to be taken in their place. The consequence was, that in various Statutes, and particularly in those which related to Charities, and what were in former times called superstitious uses, the penalties remained, and the grievances under which the Catholics laboured did not come under the provisions of the Relief Bill. The result was, that although even the Jews were protected in the disposal of their property for benevolent purposes, the Catholic trustee could not be called to account in a Court of Equity for a violation of his trust. There might be some doubt whether the Crown was at liberty to claim the money as a forfeiture; but there was none that the trustee could not be rendered accountable. Having thus briefly explained the law as it existed on this subject, and the grievances to which the Catholic was subjected, he thought it not too much to ask leave to bring in a Bill to place the Catholic on the same footing as the Dissenter. He disclaimed all intention of attempting to touch the Statute of Mortmain, or in any way affect the rights of Protestants.

Sir *C. Wetherell* did not intend to oppose the learned Gentleman's Motion; but he could have wished to know what description of charitable bequests he desired to have protected—whether they were for the purpose of building chapels, or increasing monastic institutions? The hon. Member had not, in fact, told them whether he did not propose to support donations for superstitious uses, nor had he explained what those superstitious uses meant. He was willing to allow the Bill to be brought in, but he reserved any opinion on its merits until he had a fuller explanation of the details.

The *Solicitor General* understood the Relief Bill to be intended to place the Catholics on the same footing as other Dissenters, but not as Protestant Dissenters. If the hon. and learned Gentleman wished by this Bill to go further, and confer on them new rights; then the question was one of great importance, and required due consideration.

The *Attorney General* also guarded himself against any assent to the principle of the Bill by suffering it to be brought in, and declared his ignorance of the precise meaning which the learned Gentleman attached to the words superstitious uses.

Mr. *O'Connell*, in reply, said, he merely wished to protect the donations of the benevolent for charitable purposes, and he could assure the House it had no reference to monastic institutions, for the Relief Bill forbade it. His intention was, to have the Bill printed, and if it were then opposed, he should not press it for the present Session, but take the sense of the House on it in the ensuing Session.

Leave given to bring in the Bill.

CATHOLIC MARRIAGES.] Mr. *O'Connell* rose, he said, to move for leave to bring in a Bill to render valid, in certain cases, the marriages of Roman Catholics in England by a Catholic Clergyman, and to abolish in Ireland certain penalties imposed on Catholic Priests for celebrating marriages between Catholics and Protestants. He wished, if possible, to earn the approbation of Gentlemen on the other side, or at least to avoid their censure, by being very brief upon this subject at present, trespassing on the attention of the House only to an extent sufficient to make his intentions understood. The object of the proposed measure was, to render valid, in certain cases, the marriage of Roman Catholics in England, and to abolish the penalties imposed on Catholic Priests in Ireland for solemnizing marriages between Protestants and Catholics. There were two different points for consideration, on which the House might be disposed to come to different decisions. The House might be ready enough to amend the law of Ireland, without wishing to interfere with that of England. He did not refer to a law making the marriages of Roman Catholics valid in themselves; in that respect but little alteration was desirable, for marriages celebrated by a Roman Catholic priest, between Roman Catholic parties, were perfectly valid at present. Such marriage entitled a female to dower, and conveyed the ordinary interest in property to the children. That law extended in Ireland also to marriages celebrated between Protestant Dissenters by clergymen of their own communion. There were three distinct laws relating to marriages in Ireland:—first, for marriages celebrated by clergymen of the Established Church; secondly, for marriages by Protestant Dissenting ministers; and thirdly, for marriages celebrated by Roman Catholic priests, which are valid only when both parties are Roman Catholics. That being the state of the law, his object was to mitigate the penalties for any violation of that law by a Roman Catholic priest. There was no penalty on clergymen of the Established Church for marrying persons of different religious persuasions, none on Dissenters—upon the Roman Catholics alone was any penalty inflicted. He would briefly notice some of the statutes which authorised these penalties. The first Act to which he would allude, was passed for the purpose of preventing the taking away and marrying children against the will of their guardians—a very fit object for a penal law, against which he had no design to make any objections. But in that Act, which was passed a great many years back, after prohibiting Catholic clergymen from celebrating such marriages, it was enacted, that any Roman Catholic clergyman who should celebrate such marriages, or marry any party or parties, knowing that they are of different persuasions, should incur all the penalties attached to the law. The first punishment was death; but a particular clause was introduced, providing that it should only be inflicted when the clergyman knew that one of the parties was not a Catholic. The next Statute to which he would call attention, was the 8th Anne, c. 11, s. 26, which continued these penalties. The House would recollect that the Roman Catholic clergyman was guilty of no offence unless one of the parties was a Protestant. The 26th Section enacted that Roman Catholic priests shall not marry parties, when one of them has been of the Protestant religion, unless they get from the Protestant minister a certificate, certifying that the party was not a Protestant at the time of the marriage. This, however, raised a legal presumption that the priest knew that the party had been a Protestant, and to avoid that, he got from the Protestant clergyman a certificate, stating the negative. But the Act gave no means of forcing the Protestant clergyman to give that certificate, and if the priest could not get the Protestant clergyman to certify this under his hand and seal, and he should marry the parties, he fell under the penalties provided by the Act; that was not a state in which the law should be allowed to remain. By the 1st George 1st it was made felony without benefit of clergy for Popish priests to celebrate a marriage between two parties, one a reputed Protestant, and the other a Papist. When he coupled these statutes together, he found that in the one, knowledge was presumed, unless a certificate were produced; and that the other made it a capital felony to marry, not a Catholic and Protestant, but reputed Protestants, unless a certificate were produced, shewing that they were not Protestants. This statute enabled Justices of the Peace to summon any persons, suspected of having been guilty of the offence mentioned, before them; and upon refusal to enter into recognizances, to punish them by imprisonment for the space of three years. This inquisitorial punishment was of so serious a nature, that it ought to be altered. He knew two instances of it, one of which occurred at Londonderry, and the other at Longford, where there were now four persons in gaol under the provisions of this section; so that it was by no means a dead letter. The next he would mention was the 19th of George 2nd, c. 13, which declared void every marriage celebrated by Catholic priests, between Catholics and Protestants, where either party had been a Protestant twelve months preceding the Marriage: and by 23 George 2nd it was enacted, that as the marriage was not valid, the clergyman celebrating it should be hanged;—that Act continued in force to this day, with this difference, that by the Relief Bill, 33 George 3rd, c. 21, intended to repeal the former Act, it was enacted, that such a marriage should be invalid, and it ordered that a fine of 500*l.* should be paid by any Roman Catholic clergyman who should celebrate the marriage of a Catholic and Protestant. He must inform the House, that the question came before the Court of King's Bench in Ireland, when Lord Kilwarden was sitting as Judge, and he determined that the latter punishment did not remove the penalty of death; and the ground for his opinion was, that the one Act of Parliament had used the word "reputed," and that the other had not used that expression. So that, according to law, a Popish Priest, guilty of the offence mentioned in the Statute, might be hanged in the first instance, and fined afterwards! This was really too bad. Having thus stated briefly to the House the law on the subject, he might, perhaps, be asked what he proposed to do. To abolish the penalty of death altogether he would answer. He proposed to limit the fine to a small amount, and to remove the penalty in all cases, where the parties were Catholics at the time of the marriage, and not to go back one year previous to the marriage. That was the alteration which he proposed to make in the law of marriage in Ireland. He did not wish to carry the Relief Bill one particle further than it was carried already; but he wished to put out of the Statute-book, that capital felony, which, in his opinion, ought not to remain. He wished further to make the offence punishable only when the priest had a knowledge of the religion of the parties, when the *malus animus* on his part was manifest. He wished to state to the House, that he had heard of instances in which Catholic clergymen had been betrayed into the performance of the marriage ceremony, by designing persons, from sinister motives, and was acquainted with one of great respectability who was obliged to flee the country for two years precisely under such circumstances. Two persons went to him, and alleged that they were Catholics, and got themselves married, for the mere purpose of afterwards prosecuting him. And it was not until some time afterwards, when the conduct of the parties was discovered, that the clergyman was enabled to return. There was another part of this subject about which he felt considerable anxiety, that was, the marriage of Catholics in England; he did not allude to the marriage of the richer Catholics, but to their poorer brethren, many of whom came from Ireland, and when they were in their own country, had been in the habit of seeing their brothers, sisters, and all their relations married by Catholic priests, and they could not believe that marriages celebrated by Catholic priests in England were invalid. He begged to inform the House, that a Catholic clergyman could refuse to celebrate a marriage, when required, without a breach of the Canon Law. What was the consequence of this in England? Why the husband could desert the wife—many melancholy instances of which had lately occurred, and all the children were illegitimate. He felt, however, that he had said enough on this subject, and would trouble the House no further. He should wish to bring in a bill to allow all Protestant Dissenters, as well as Catholics, to marry according to the forms of their own religion, but he would not introduce a clause on that subject, if the Legislature should be adverse to such a measure. He hoped that he might then be allowed to bring in the Bill, and he would take another opportunity of entering more fully into the subject. In conclusion, the hon. and learned Gentleman moved for leave to bring in a Bill to amend the laws respecting Marriages celebrated by Roman Catholic Priests.

The *Solicitor General* expressed his satisfaction at hearing that it was not the intention of the hon. and learned Member to disturb in any manner the Catholic Relief Bill of last year. He differed from the learned Gentleman in supposing that it would not be possible to bring in a Bill to apply to the marriage of Roman Catholics in England, which should not include all Dissenters; and he should object to any bill that was not of a general nature. As the hon. Member had given up that part of his Motion, and as there were many of the regulations which the hon. Member had suggested as to Ireland which appeared likely to be useful, he was not prepared to oppose the Motion. As he understood the matter, the Act of 1793 was intended to get rid of the severe penalties attached to the offence of celebrating illegal marriages, leaving no other penalty than the fine of 500*l.*, but as there was a doubt on the subject, it was proper that that doubt should be cleared up. Nobody, he was sure, would be ready to carry the law into execution, which sentenced the priest to death for celebrating such marriages. Understanding, therefore, that the hon. member for Clare limited the Motion to bringing in a Bill declaratory of the law, he should most certainly not oppose it.

Lord *Leveson Gower* said, it was not his duty to oppose, but to promote the hon. and learned Gentleman's Motion. He wished, however, to reserve his opinions on the subject, till a subsequent stage of the Bill, and he should certainly offer no opposition to it in that stage.

Sir *J. Brydges* said, he would not oppose the introduction of the Bill, but conceiving that after what was called the obsolete Statutes were repealed, there would be some motion to enact different laws, he should certainly oppose the Bill at its subsequent stages.

Mr. *North* supported the Motion. The Bill was to amend the civil law respecting marriage, and nobody who knew what that law was, whatever political opinions he might profess, would oppose that Bill. The hon. and learned Member, as he understood, did not intend to alter the law. But at present, the punishment to which a Catholic clergyman was supposed to be liable for celebrating illegal marriages was nothing less than death. In the opinion of many celebrated men, and in the opinion of an humble individual, himself, though his was a very conscientious opinion, the Relief Bill passed by the Irish Parliament in 1793 repealed the law inflicting this punishment. The punishment was no longer death—it was not transportation—it was a fine of 500*l.*; and the first object of the hon. member for Clare was, to reduce that penalty still further. He differed from the hon. member for Clare as to the point of determining the religion of the parties at the moment of celebrating the marriage, for it had happened to him to know that many parties went before the Catholic clergyman, and declared that they were Catholics, when it was known to the priest that they were born of Protestant parents, and had been at Church but a few months before: they said they had been converted. On this point, therefore, he disagreed with the hon. member for Clare; but in the general features of the Bill he concurred with him.

Mr. *Croker* was in hopes, that ere long something would be done to make the marriage law similar throughout the three kingdoms. It was, in his opinion, a most monstrous anomaly, that the marriage law, which was the very foundation of society, on which depended the rights and fortunes of all classes of citizens living under the same general scheme of policy, subject to the same system of Government,—it was a monstrous anomaly that this law, the foundation of the whole society, should not be the same for every part of the kingdom, and every description of persons. At present, however, this law was so extravagant, and so extraordinary, that there was now a case of marriage pending, as the learned Gentleman opposite knew, which, after the highest court of Scotland had declared the couple to be legally married, and their children legitimate, was about, he believed, to be set aside by a still higher authority here; and the children were to be declared illegitimate. He did not mean to enter into the question as to Ireland, but he did hope that his Majesty's Ministers, or some Gentleman of talents and weight in the House, would bring the state of the marriage-law under discussion, and would enable the people to know, at all times and places, whether they were legally married, or not, and whether their offspring were legitimate or illegitimate.

Leave given to bring in the Bill; and Mr. O'Connell and Mr. Jephson were ordered to bring it in.

BEER TRADE.] Mr. *Calcraft* said, in rising to move the Order of the Day for the second reading of the Beer Bill, that he had hoped that it would have been unnecessary for him to take up the time of the House; he had flattered himself that the second reading of the Bill would meet with no opposition, and that any objections might be made in the committee, to which he understood it was the intention of an hon. Member to move an instruction—and that allowing the Bill to go into a committee, it might then receive such modifications as would make it palatable to the country. But having heard from the hon. member for Dorsetshire that he intended to defeat the Bill in its present stage, he hoped, in deference to the strong feeling which had been expressed in the country, and in deference to the large body of publicans, whose interests it concerned, that the House would allow him to say a few words as a preface to the Motion for the second reading. The object of the Bill could not be misunderstood, he thought, by those who had read it. That object was, to promote the more general sale of Beer, and give an entire free trade to that article, permitting persons, on applying to the board of Excise in town, and to Excise-officers in the country, to obtain a license for selling Beer, on the payment of two guineas. He would not discuss the question, whether or not any qualifications or recognizances should be required of these persons, as that subject would be properly discussed in the committee. In the committee also he should be ready to give his attention to every proposition which was not a breach of the principle of the Bill; but at present he would confine himself to the two great objections made to the principle. The publicans objected to the Bill that it would interfere with their business, would diminish their profits by introducing a great competition in their trade, and would be hurtful to their interests. So far he thought their opinion fair, and nothing more natural than their opposition; but when they presented petitions to the House—and he had heard an hon. friend of his, the member for the city of London, support such a petition—claiming a vested right in their trade, they pushed the matter further than the nature of the case warranted. By pushing it so far, they hurt their own cause. When they advocated the propriety of defending vested rights, he must put it to the House whether there was any thing in the Bill which could fairly be interpreted as a diminution of vested rights. It was only necessary to remind those publicans who made this complaint, of the uncertainty of the tenure by which they held their licenses, and of which they had themselves not long ago complained. Magistrates might interfere, and take away their licenses; and they depended on those magistrates to renew them from year to year, though they were not in general interfered with, if they did not misconduct themselves. He was aware that the capital invested in the trade amounted to many millions. Supposing that there were 60,000 publicans, and supposing that each of them had only a small sum embarked in the business, that would make, on the whole, a large capital. It ought certainly to be dealt with carefully; but the House ought not to suffer the consideration for that to bear down all consideration for the great body of the people, the chief object for the attention of the Legislature. The object of the committee, the object of the Government in giving its support to the committee of which he had had the honour to be Chairmam, was disinterested, and it was only intended to introduce a better beverage into the country for all the subordinate ranks of the people. That was the simple object of the committee, which had no wish or intention to injure or promote the interest of any one class. By giving a free trade in Beer, it was expected that competition would introduce among the labouring classes a good old English beverage, which could not now be got in any part of the country, nor in many parts of town. He wished it to be understood that he was not by these remarks making any reflections on the great brewers. If the publicans would only let their customers have what they received from their brewers, they would get, he believed, a good beverage. But when it was seen every day by the newspapers that publicans adulterated their Beer, and when it was known that at present from five to six hundred publicans had had informations laid against them by the Excise—perhaps not those publicans who had petitioned the House, but others—and when it was known that these men were charged with selling liquor mixed with deleterious ingredients—he thought he might with great propriety say, that some measure was necessary to put an end to the practice of supplying the people with a spurious and an unwholesome beverage. Even when the publicans did not mix deleterious ingredients with their Beer, they lowered it from twenty-five to thirty per cent after they received it from the brewer; that was, indeed an avowed custom, and though they did not thereby render it noxious, they still sold an article for which their customers did not bargain. Then again in the country, it was well known that the brewers owned the public-houses, and without that advantage, they would not be able to sell so much bad Beer as they now sold. It was hoped, that by the present Bill, this power would be taken from the brewers, without any infringement on their property, and that by a more general competition than at present, a better article would be sold, and that Beer would be made of various qualities, to suit all palates. The next objection made to the Bill was, that, adopting no limitation, no license, no restraint on publicans, there would be an unlimited number of tippling-houses in every part of the country. In the opinion of the petitioners, and this, too, seemed the opinion of most of the Gentlemen who had spoken on the subject, the Beer ought not to be drunk on the spot where it was sold. Those parties would, he believed, rest satisfied, if a restriction were imposed, not allowing the Beer to be consumed where it was sold. This would give, they contended, a great extension to the trade, and try that experiment on a limited scale, which, if it succeeded, might be afterwards extended. In his opinion, however, a limitation of that kind would prevent the principle of the Bill from having a fair trial. With respect to these tippling-houses, though it was intended to grant a license to every person who applied, they would still be subject to certain penalties, and exposed to restrictions—a control would be exercised over the new houses as strong as over the old ones; the magistrates were empowered to interfere with them, and if any nuisance of which they had reason to complain were not abated, they might put down the houses. It had been made necessary to take out a license, in order that too many such houses might not exist. No doubt some little confusion would arise at first from the great number of persons who would embark in the business, but that would soon subside. If the business were over-done, some of those who embarked in it would give it up. Persons would not willingly pay two guineas for a license to carry on a losing trade. The publicans who carried on their trade under the present system would be left in the same situation as now, under the control of the magistrates, for it was not intended to interfere with them. They would carry on their business as before, with a Beer and a Spirit license, which the new description of Beer-sellers would not have, and they would continue to be regulated by the provisions of Mr. Estcourt's Act. The Bill, he believed, would not injure the publicans, except they allowed the new tradesmen to sell better Beer than they sold. An old house had a much greater chance of retaining its old customers than a new house would have of taking them away, if the old house only sold as good Beer as the new one; and to compel the present publicans to sell better Beer, which would thus be accomplished, or they would be ruined, was the object proposed by the Bill. If the measure should be unpalatable to the publicans of the town, and to the country brewers, they ought to recollect that they brought it on themselves by the numerous examples which had come to light of their having adulterated their Beer. The vender of bad Beer in the country could not get rid of it if the houses were not his own, which was the reason why the brewers obtained as many public-houses as possible. Something had been said about indemnity for those vested interests; but the House must give up legislating altogether, if it were never to interfere with any interests whatever. There was not a turnpike-road made, nor a steam-boat started, that did not interfere with one of those vested interests. He remembered that when he represented Rochester, some of his constituents, very respectable men, who kept inns, petitioned Parliament to put a stop to steam-packets, because they floated away their customers. He had told them that Parliament could not assist them, and that he believed, if they had a little patience, they would find themselves not injured by these new methods of travelling. It had turned out, as he expected it would, there were plenty of customers both for steam-packets and stage-coaches; and all the injury the landlords suffered was to be obliged to be as attentive, and make their houses as comfortable as possible. Indeed, they might as well petition against stage-coaches, because they interfered with post-chaises, as against steam-packets. A new shop could not be set up without interfering with some other shop, or some vested interest; the legislature could not move to the right nor the left, without interfering with some vested rights, and therefore, when interference was necessary, the legislature ought not to be debarred from interfering by an imputation that it was meddling with vested rights. It was not necessary, he believed, to trouble the House any further. He hoped that his hon. friend would give the Bill fair play, and allow it to go to a committee, where it might be made palatable to the petitioners, agreeable to the parties affected, and satisfactory to the great majority of the House.

Mr. *Portman* rose to move that the Bill should be read a second time that day six months. He felt that it was necessary to make an apology to the House and to his hon. friend, from whom he was at any time sorry to differ, particularly as he had obtained much of his political knowledge from his hon. friend, for the course he was taking. He begged however, distinctly to disclaim having any feelings on this subject in common with the brewers and publicans; his opposition to the Bill being founded on general principles. His object was to stop the further progress of a Bill which he considered would prove most injurious to the people, in the hope that the right hon. Gentleman might be then induced to repeal a portion of the Malt-tax, which would confer far greater benefit on the country, or else that he would directly relieve the people by taking off the Excise-duties from soap and candles. The Bill the right hon. Gentleman proposed was not, in his opinion, what it professed to be. It was a Bill to establish a certain species of retail Beer trade, but it did not entirely relieve the publicans from magisterial control. Now he considered, that if magistrates were to have any authority at all, they should have sufficient authority to preserve order, as they were bound to do by the tenour of their oaths. The right hon. Gentleman should either relieve them completely from the responsibility, or else invest them with befitting powers. He now opposed the Bill, because he thought it fairer to do so at that, the second reading, than to endeavour to stultify it by the introduction of some clause in the committee. He contended there was no control in the provisions of this Bill against the use of deleterious drugs. At present the Excise might search for deleterious drugs, which was a great impediment to the use of them; but by this Bill all the power of the Excise was taken away, and the only thing substituted for it was competition. But it was not easy to get that competition in all districts of the country; and he was persuaded that when the competition did exist, it would be a struggle, not between new and old brewers, but between the brewers who were at that moment possessed of many public-houses, and those who had only a few. He wished the House to recollect that, were it only for purposes of police, the magistrates ought to have some control over houses, in which all classes and descriptions of persons assembled; for otherwise, the whole system of police must be destroyed. Suppose, the case of a Justice of Peace inquiring of a publican respecting a suspicious person traced to his house; according to the provisions of Mr. Estcourt's Act the person would be compelled to give a civil answer, affirmative or negative; but under the present Bill he might decline giving any answer whatsoever: he believed that the present system of licensing houses was essential to the police of the kingdom, and on that ground he should oppose the alteration. In his opinion, too, the Bill was not, as set forth in the preamble, expedient; because there was no party on whom it could confer any benefit. He did not believe an increased supply of Beer was necessary, for the number of brewers did not increase: increasing the number of persons who sold Beer only added to those who had to make a living by the trade. The Bill could not be of good to the poor, because the relief was not direct—nor would it make Beer cheaper, or of a better quality; it could not be of use to the agriculturists. True it had been held out by the right hon. Gentleman that there would be a great increase in the price of Barley; but if this were the case, how could that reduce the price of Beer? and even supposing both advantages could be co-existent, he maintained that they would not recompense the farmer for the destruction of morality amongst his servants, and the consequent loss of the control he had previously exercised over them. Neither could this Bill be of use to the anti-gin people. He was himself one of those who wished to discourage the use of spirituous liquors, but it was impossible to regulate the tastes of the people by Acts of Parliament. He likewise opposed the measure, because it would occasion a great loss of property, for which any good it might produce, being so remote and obscure, could never compensate. He also, in common with all gentlemen well acquainted with the Western counties, felt an extreme horror of tippling-houses, from the experience they had acquired respecting Cider-shops, and the great difficulty in preserving order in those villages in which they were. Then in distant villages, where there was no magistrate, how much greater would not the evil be? In conclusion he stated, that no modification of the Bill would satisfy him; he opposed its principle, and moved, as an Amendment, that it be read a second time that day six months.

Mr. *Dickenson* rose to second the Amendment. He gave the right hon. Gentleman credit for good intentions, but thought his Bill would be highly injurious. It would not be any bonus to the common people, who were now in a most deplorable state, and who were nevertheless, he regretted to add, in the habit of expending more money upon Beer than upon food. He did not think the brewers would produce a better liquor under the new regulations. He deprecated the destruction of property which would ensue, and the deterioration of the morality of the people which would be caused. Under these impressions he would support the Amendment.

Mr. *Benett* said, he entirely differed from the hon. Gentleman who had spoken last, and consequently felt it his imperious duty to support the Bill. The three parties who, it was argued, would be injured by it were the common brewers, the publicans, and the public at large, whose morality was to be compromised. As to the first, he had simply to observe, that there was a tax of three millions and a half taken from Beer, and that therefore this must increase the consumption of the article. This would be materially the case with respect to brewers' Beer, because it was the common brewers who paid the tax, and not the individuals who brewed their own Beer, who, even with this advantage, were not able to compete with the others in the quality of the article. Accordingly the common brewers would now derive a benefit from the taking off of the tax, in the increased sale of Beer, which would amply compensate them for the loss they would sustain by their public-houses. As to the publicans, they undoubtedly would lose to a certain extent; but then it was positively absurd to talk of their vested rights. They had no vested rights. They had no more right to enjoy a monopoly of the sale of Beer, than any other class of persons had of the sale of provisions. Besides, these publicans had for a length of time made great profits, while they committed many faults. The practice of adulterating their Beer was proved by the fines so frequently imposed on them. Lastly, as to the public, and the destruction of their morals, he contended it was better that the unmarried labouring man should have a private room, in which he might drink his Beer, procure his provisions, and enjoy the advantages of fire and shelter, which he believed would be supplied him by such houses as this Bill would permit to sell Beer, than that he should be driven to the kitchen of a public-House, where he was liable to be brought in contact with all that was debauched and vicious throughout the country. He conceived that the Bill would both tend to supply the labouring classes with a more wholesome beverage than they now enjoyed, and preserve their morals from contamination. He begged to remind the hon. Gentlemen who opposed the Bill, that they had the power of introducing restrictive clauses into it, to prevent the existence of common tippling-houses. For himself, he thought the Bill was worthy of the times, and worthy of the hon. Member who proposed it to the House. It was the first step in the right path towards the reduction of the taxes pressing on productive industry. He trusted more would be done; he should have preferred the abolition of the Malt-duty to the abolition of the Beer-duty, but he was not willing to reject what had been offered. He anticipated from this measure, that in the course of next Session they might perhaps get rid of the Malt-tax, and proceed in this salutary course till the country was freed from all taxation upon its productive industry. It was a principle that must work its way through. The country could never go on unless the pressure was removed from the springs of her productive industry.

Mr. *Heathcote* said, he thought Government had exercised a sound discretion in choosing the Beer-tax instead of the Malt-tax for repeal, intending to confer a benefit on the people, and he approved of the measure, especially when he considered that it would enable Government to do away with a most oppressive monopoly. Nothing could be worse than as things stood now. Taxes on Beer had been repealed, yet the price of it remained nearly the same. Upon a computation, made from the parliamentary returns, it would appear, that the quantity of malt used in brewing Porter was two bushels the barrel, just the proportion requisite to brew small Beer. It appeared that the tax upon Beer was charged treble to the public, and removing it would give nearly three times as much relief as repealing the tax on malt, besides getting rid of an odious monopoly. He would be ready at the proper time to examine any modification of the Bill which might be suggested: at present he was only defending its principle. To show in what manner this monopoly affected the public, he would observe, that the price of barley had fallen nearly one-half, while the price of Beer remained the same. As to the objections to the principle, he had to remark, that the object of the measure was, to increase the consumption of Beer, by enabling those to drink it who could not have done so before, and he really could not see how it would injure the morality of the people, that they should drink this Beer in three houses instead of one—that they should have a good instead of a bad beverage, or that they should have private rooms to drink it in, instead of congregating in the tap-room of a public-house. When hon. Gentlemen talked of morality, they frequently attached to it no definite idea, and without wishing in the least to oppose himself to the class to which he belonged, he must take leave to say, that he had on more than one occasion observed too great a disposition upon the part of gentlemen to interfere with the amusements and gratifications of the people. The poor had a right to procure their Beer where they liked: if they did wrong they might be punished; but certainly it was not fair or right to anticipate evil. As to the license laws, they were made, not for the benefit of the brewers, but for that of the public, although their effect had been directly the contrary of that intended. The holding of public-houses by brewers was an evil, and that evil the Bill would get rid of. He would be glad indeed to see a clause introduced, demanding from all licensed publicans sureties for good behaviour, and certificates of previous good conduct. This, however, was not the time to dwell on such a topic; he would reserve what he had to say for the committee.

Mr. *Sadler* agreed with his hon. friend, the member for Dorsetshire, in thinking the Government would have acted wisely in preferring the repeal of the Malt-tax to the repeal of that tax now proposed. Considering, however, the present measure as one of relief, he objected to it as partial. In many of the rural and agricultural districts of England, which were the most distressed, the people were in the habit of brewing their own Beer. To them, consequently, the Bill brought no relief. The consumption of Beer on the ale-bench might be augmented, whereas the consumption at home would not be increased. He regretted that the Bill held out no inducements to private brewing, but on the contrary, by diminishing its comparative advantages, tended to encourage the trade of the brewer. Hitherto the arrangements connected with the supply of Beer to the public had been connected with the magistracy, and he would take upon himself to say, that they had always exercised the power which the law had put in their hands with credit to themselves, and with benefit to the community. No one could attempt successfully to carry on the business of a publican, without having obtained for himself a good character; and the great security for maintaining that previous good character was, that it was his interest to do so. It likewise appeared to him, that the supervision of the Excise was another security for the good quality of the Beer supplied to the public; though he would not enter further into that branch of the subject. The proposed system appeared to him to be nothing more nor less than offering a bonus to tipplers, with no likelihood of affording advantage to the body of the people. But besides the injury to arise to the community, the greatest damage would, by this measure, be inflicted on the vested interests of those most concerned in the measure. That publicans and brewers had gone on embarking their property in the trade was the fault of the Legislature, for it was the Legislature that, by its previous conduct, had persuaded the publicans that there was no intention of altering the system. The principle that at present existed had not only been tolerated by the Legislature, but actually dictated; and therefore it was bound to guard against injury before it committed an act that would otherwise lay waste the property of thousands and tens of thousands. He did not wish to look at this question with a cynical eye, neither was he for depriving the poor of any of those comforts which were calculated to afford them solace or support; on the contrary, there was nothing he wished for more than to extend their enjoyments: he had no desire to deprive them of those houses of entertainment, where company, in the beautiful language of the poet, conferred

"An hour's importance on the poor man's heart,"

but he did wish to make him rather find that importance in the increase of his comforts at home, than of enjoyments abroad. Moreover, public decency and public morality were paramount considerations; and they alike called for opposition to the measure that had been brought forward by the right hon. Gentleman. For these reasons, therefore, he should certainly vote for the Amendment of his hon. friend.

Mr. *Fowell Buxton* had always thought that the hon. member for Newark was the advocate of the poor. He therefore had been not a little surprised when he heard him advocate the repeal of the Malt-tax, in preference to that on Beer. Taxation ought to apply equally to the rich and the poor; or, if there were any distinction, it ought to be in favour of the poor. But how did the case stand with respect to the Malt and Beer taxes? If any body brewed his own Beer, it was some man who was comparatively opulent; the poorer classes, particularly in towns, were one and all obliged to buy Beer. Those who brewed their own Beer paid only the Malt-tax; those who bought their Beer paid also the tax on Beer. Barley was 35*s.* a quarter, and the duty for the rich therefore, or those who brewed their own Beer, was sixty-five per cent, while to the poor, or those who bought their Beer, it was 166 per cent. For his part, therefore, he thought, as far as giving the people relief went, the Government had done wisely in abolishing the tax on Beer, instead of the tax on Malt. He had no complaint to make against the right hon. Gentleman who had introduced the Bill, except that he had brought a charge against the brewers and the publicans of having demanded compensation; and this charge he founded on an isolated expression of the hon. member for London. As chairman of the committee, the right hon. Gentleman might have looked at the evidence, and he then would have seen whether so outrageous a claim had been made by the publicans. He would take upon himself to speak for the brewers of London, and say, that nothing could be more ridiculous than to suppose that they ever dreamed of demanding compensation. As well might the agriculturists say, that as corn was reduced from 80*s*. to 40*s*., they had a right to compensation! As well might the West-India planters claim compensation, because their property was not protected against deterioration. As well might the ship-owners demand compensation for the depreciation of their ships! But though the publicans had no claim for compensation, he hoped that the House would, in committee, remember that their interests were much injured by this Bill, and that it was but fair to do what could reasonably be done in their behalf: in order in some measure to meet the case, he thought that the House might very well prevent the drinking Beer actually in these new houses. It was not a permission called for by the public, because, though many petitions had been presented against it, he had not heard of one in its favour. The steps that were taken by the Legislature two years ago, when the hon. member for Oxford (Mr. Estcourt) brought in his bill to regulate the Licensing System, were such as to induce the publicans to believe, that there was to be no alteration in the system; and in order, as it were, to confirm that belief, the right hon. Gentleman had stated in his place, that it would be necessary to continue the measure, if not for purposes of revenue, at least for purposes of police. It was unfair to charge the publicans with looking for compensation, or with having put in a claim on the ground of vested interests. They had done no such thing; but having embarked a large capital in this trade, on the implied faith of the Government, that no alteration would be made in the system by which it was regulated, they had now a strong claim to the consideration of the Government and of Parliament. As to the brewers, they were not afraid of the competition that was about to take place; they were, on the contrary, anxious that the public should have an opportunity of seeing that it was not by selling a bad article, but by the advantage of large capital, and consequent machinery, and large consumption, that the London brewer was enabled to carry on his business successfully.

Sir *C. Burrell* thought, that the hon. member for Weymouth was wrong in his argument. If the Malt-tax were taken off, every man would be able to brew his own Beer, and would be encouraged to do so, while the removal of the Beer-tax appeared to be a benefit in favour of the rich, to the disadvantage of the poor. A parallel case to the present was that of the Leather-tax, in which it had been contended, that on its removal every shoemaker would become a tanner; but to prepare the under-leather for shoes required three years, and consequently a large capital. The same was the case with regard to Beer; the large brewers would still have the advantage of capital, and would monopolize the whole trade of the country. He did not intend to deny that the intention of Government, in the removal of the Beer-tax, was good: but it certainly appeared to him that they were proceeding upon fallacious grounds. They should consult practical men before they brought forward measures for the relief of the country, for otherwise they run a risk of bringing forward measures like the present, which would not be followed by the effects which they anticipated. They might as well try to learn in the depths of the sea, as in the streets of London, what would be beneficial to the country at large.

Mr. *Maberly* would vote in favour of the Bill, the general principle of which he approved of, though he thought that something ought to be done in behalf of the publicans. He admitted that they had no claim upon the consideration of the House on the score of vested interests, but they had strong claims, on other grounds, to its consideration. They had embarked an immense capital in this trade, under a system which had continued for years, and which, at the time they embarked their capital, they had no reason to suppose would be disturbed. Ministers now turned round on them and said, that that system was founded entirely upon principles of bad legislation. He would, therefore, throw out a suggestion to the right hon. Gentleman, that the permitting the Beer to be consumed on the premises of the new houses should not be allowed at first: such a principle was adopted by Government when it found it necessary to take off the bounties on the linen trade. They were not removed all at once, as so much capital had been embarked in the trade, in the faith of those bounties being continued; but ten years were allowed, and a tenth each year was reduced. With respect to the brewers, he was bound to say, that their representatives in that House had always displayed the most liberal feelings; and he was glad to find that they had not departed from that feeling in the present instance. He should vote for the second reading of the Bill.

Mr. *C. Calvert* agreed with the hon. member for Weymouth in all that had fallen from him, and he should support the measure of the right hon. Gentleman. But when the House was in a committee, he hoped that something would be done for those persons whose property they were about to destroy, to an extent of which the House was not probably aware. As to any claims for vested interests, he, in behalf of the London brewers, disdained all such idea. Neither had the London victuallers claimed one farthing of compensation. The hon. member for London had not said a word to that effect which he had heard, and he had listened attentively to what had fallen from that hon. Gentleman. It however rested with that hon. Gentleman to explain what he had said.

Mr. *R. Palmer* said, he should have preferred the reduction of the Malt-duty, and thought the present measure went too far at one step.

Mr. *C. Barclay* said, that the hon. Baronet had contended that the taking off this duty would afford little relief to the poor in comparison with the removal of the Malt-tax. He was not of that opinion; and to bring the thing within the comprehension of every body, he would just state that the removal of the Malt-tax would save the public only a halfpenny per pot in the price of beer, while the removal of the Beer-tax would lower the price one penny. The result of taking off the Malt-tax would be that private brewers would pay no duty whatever, but hat would be of little benefit to the public at large; for it appeared that during the last year, the quantity of malt consumed was twenty-nine millions of quarters, of which only four millions was consumed by the private brewer. The private brewer, therefore, would have to pay nothing, while the public brewer and all those who bought of him would have to pay the Beer duty amounting to twenty-five per cent on the retail price. He, therefore, gave his entire support to the measure, and also agreed with what had fallen from the hon. members for Southwark and Weymouth. What he had then stated was no new opinion of his. In the Committee of 1817, he had been one of the first to state that the present system was bad, and since that period it had been getting worse instead of better. He feared, however, that the present measure would not obviate any one of the evils now existing. He believed that the competition between the small retail beer brewers and the publicans would be such as to be extremely injurious to the peace of the country. Several plans had been proposed to obviate this evil, and among the rest it had been suggested to obtain securities, and to call for recognizances. This would be inoperative. It had been so under the old system, for people often recommended persons for licenses who were worth nothing, and whose character was not worth having. He should certainly support the second reading, in order to afford the means of examining the Bill in the Committee, and because he believed the principle to be good; but when the Bill went into the Committee he should support the proposition of the hon. member for Reading, for though he thought the principle of the measure was good, he was not of the same opinion as to the details.

Lord *Milton* said, that this Bill ought to be considered, not as a separate measure, but as a part of that system of finance which the government had introduced in the present year. Looking at it under that aspect he was not disposed to object to it, but there were other considerations which would induce him to vote against it. He did not like the ambiguous support given to the Bill by the hon. members for Weymouth and Southwark, especially when he recollected that the former had confidently stated that the skill and capital of the brewers would save them from the effects of competition. The hon. member for Southwark would find that he had been mistaken in supposing the publicans did not claim compensation, for if he looked into the evidence of Mr.

Alderman Brown, who acted as their agent, he would find that they complained of no means of compensation being afforded them. Some hon. Members had attempted to show that this measure would benefit the rich, and not the poor; for the removal of the tax on Beer, while the tax on Malt remained what it was, would be no advantage to the lower classes. They would have to pay as much for their beer as before, the removal of the tax tending only to the advantage of the brewer and publican. Under these circumstances, he agreed with the hon. member for Newark, that the relief of the country, by taking off the Malt-tax, would be greater, and the benefit to the poor more than in taking off the Beer-tax. The present measure, indeed, seemed little calculated to benefit the people; for though it would diminish the price of beer to artisans in large towns, he did not think it would be any advantage to the agricultural peasantry. There was one point in which he even thought this measure would be injurious. He was informed, on very good authority, that the operatives of Bradford, Halifax, and Huddersfield, brewed for themselves. He believed that the reduction of the duty on Beer, and not on Malt, would tend to discourage domestic brewing, and to diminish that practice among them; and they would go to the beer-houses and public-houses for their beer, a change which he was far from being desirous of producing. He would ask the right hon. Gentleman in what situation the revenue would be placed? Brewing would be free from the Excise, but malting would be still under its inspection. But, by far the larger portion of the tax paid by the consumer consisted of the tax on Malt, and the temptation would therefore be infinitely increased to use drugs instead of malt; and when the House considered the advances which chemical science had made in this country, there could be no doubt that such would be found to be the result. He was afraid, therefore, with respect to the revenue, that the effect of this measure would be to diminish the productive duty on Malt. He was satisfied that those who were now friendly to this measure would find themselves deceived in its operation.

Mr. *C. Calvert* explained, that alderman Brown was not the agent of the publicans, and they were no more answerable for what he said than a client was for the argument used by his counsel. Alderman Brown was the counsel employed by the publicans.

Mr. *Houldsworth* said, that the cider-houses in the West of England were great evils; but that the regularly licensed ale-houses were well conducted; and he feared that the beer-houses to be created by this Bill would be like the cider-houses of the West. He objected particularly to a clause which went to mix up the jurisdiction of the county and borough magistrates.

Lord *Granville Somerset* supported the Bill, and did not think it would be found liable to the objections made by the hon. Member. He should vote for the Bill, because he thought the peculiar circumstances of the times and the bad quality of the liquor now sold by publicans required some alteration. He did not, however, impute the bad quality of the liquor to the great brewers. The provisions of this Bill were, in his mind, more likely to prevent the improper conduct of persons keeping ale-houses than were any of the enactments of the old law. He did not mean to find fault with the magistrates—it was their duty to be strict in granting licenses, but it was also well known, that the decisions of different magistrates in different parts of a county did not always harmonise with each other. He believed that the old system had occasioned much of the adulteration of beer and the habit of gin-drinking, and he therefore objected to it. The present Bill went upon the principle of substituting good beer for an abominable adulteration and for gin, and he thought it was well calculated to effect that object. He could not conceive why the noble Lord opposite should imagine that the Bill would only be of advantage to artisans in towns, and not to labourers in the country. It was said that the vested interests of brewers and publicans would suffer from this Bill, but just in the same proportion was it clear that the public would be benefitted by it. He should, therefore, cordially give it his vote.

Colonel *Sibthorp* said, that the great point which he thought the House ought to consider in this case was, whether the proposed measure would be a relief to the poorer classes. Now one noble Lord had said it would be but a partial relief to them. In his mind the relief to them by this Bill would be but as a flea-bite. He trusted that, for the benefit of these classes, the House would go much further, and following up the vote of last night, and the demonstration of opinion they then made, that they would, by opposing this Bill, throw such a stumbling-block in the way of the Chancellor of the Exchequer as would compel him to give them the greater relief of the reduction of the duty on Malt.

Mr. *Brougham* said, that with respect to this question he stood in a peculiar situation. In the year 1822 he introduced a bill on the subject, which went the length of a second reading. In the year 1823 he introduced a similar bill, which reached the same stage. Into that bill he introduced a restrictive clause, more in deference to the opinion of others than from any conviction of his own mind; but the bill was thrown out. As to the present measure, there were those who thought that the restrictive clause would have been an improvement to it. He expressly added that clause, because he found that, in the then state of men's minds, there was no chance whatever of its otherwise obtaining the concurrence of anything like a majority of that House. He expressed his confident belief, that not only would the present measure afford great relief to the landed interest, by the increased consumption of malt, but that it would be a substantial improvement to the condition of the humbler classes, by producing an improvement in the quality of the article supplied; that improvement in the liquor, he considered, would be a great and valuable relief to that class; and he marvelled much that his hon. friend, the member for Dorset did not see the matter in that light. To open the trade must be attended with the inevitable consequence of improving the quality of beer, for whereas brewers and publicans were, up to the present time, without competition, when that alteration was made which the Bill proposed to effect, brewers on a small scale and of moderate capital could get into the trade and promote competition. But it was more important to recollect that there would also be less adulteration of the liquor, for he believed that all the adulteration of the liquor took place at the publican's. The brewer was subjected to the visits—he might more properly say the visitations—of the excise officer, and he was also open to the influence of the informer. The publican was open to no such superintendence. He might tamper with the liquor in private—not that there was any suspicion of his putting into it any deleterious drugs—no, there was no danger of that—no apprehension that he would put anything into it, except good wholesome spring water, by which he would be enabled to make four quarts out of three—what they might now expect was, that they would have better and honester beer brewed; more than all that, they would also effect, if he might be allowed to borrow a phrase from the hon. member for Newark, they would effect an improvement in their "moral police;" they would bring beer into competition with gin—the brewer into competition with the distiller—the beer-shop against the gin-shop; and they would effect that upon sound principles; they would effect it at the same time that they respected the rights of the subject, by taking care not to impose a high tax—they would proceed by surer and more wholesome and juster means than by high duties; they would have good beer instead of bad spirits; and so long as it might be thought necessary or expedient to afford to the people that species of exhilaration, and to encourage them in its use for the sake of avoiding a worse, so long he thought the lawgiver was best performing his duty by giving to them what, under present circumstances, might be called a moral species of beverage. The hon. Baronet, the member for Shoreham had laid much stress upon the information which practical men were capable of affording, and upon the weight and value of their opinions; and he feared that that hon. Baronet would chide him as visionary and speculative in calling the attention of the House to the great and fatal increase of gin-drinking, and the necessity of furnishing the people with a cheap and wholesome beverage. But he, as a practical man, would state to them some facts which came under his own observation. He was not a brewer nor a distiller of gin, but he had some means of practical observation. The facts he spoke of were sworn to, not by one or two, but by a cloud of witnesses, on a recent trial; and the effect of their testimony was, that many present, who thought that beer-drinking could never be made to supersede the consumption of gin, were then induced to alter that opinion. The subject of the trial was a public-house of considerable value, the property, of course, of a neighbouring brewer,—the publican was also, of course, compelled to take beer of his landlord; but then it happened that the brewer brewed very bad beer, and at his death, the brewery falling into other hands, the beer fell off from bad to worse, and the consumption of it at the public-house sunk to little or nothing—gin, rum, and brandy supplied its place. The publican could bear this no longer, he resolved to face the indignation of his landlord, and he went to another brewer. The demand for beer at his house before the end of a month reached its former pitch, and supplanted the spirits. These were facts, and they could not be overlooked by those who valued themselves on regarding that alone which was practical. Take off the Malt-tax, and the rich were relieved; but the removal of the Beer-tax gave relief to the poor man, while the repeal of the Malt-tax would but diminish the expense of one amongst a thousand other luxuries and superfluities already enjoyed by the man of wealth. To the poor the Beer was next to a necessary of life. The conduct of the brewers upon the present occasion did them infinite credit—it even did them infinite credit when brought in contrast with their own former conduct six or seven years ago.—When he brought forward his bill in the year 1822, he had them all on his back; and, after having diluted them with some deleterious ingredients, he found that he might as well, after all, have retained the adulterating portion of his bill—have kept in his water and coculus indicus, for his measure was thrown out as speedily, and by as great a majority, as if at that period he had brought in that very Bill without the restrictive clause which was then before the House, and which he anticipated would be agreed to, leaving its opponents in a very small minority. He congratulated the right hon. Gentleman and his colleagues that the Bill then under discussion had been brought in under happier auspices than was his bill. He could not, however, allow himself to doubt but that the previous propositions had contributed to that object. It was an observation of one who well knew that House, who long had been an ornament to it, as he was to the country and his profession—he alluded to the celebrated Lord Coke—that "Never was a good proposal made in Parliament that was wholly lost to the country. Make the proposal once, it may be defeated; repeat it—it may be defeated again; still persevere, and depend on it that if it be worth acceptance, it will ultimately be accepted."

Mr. *Bransby Cooper* approved of the general principle of the Bill, but disapproved of the clause allowing Beer to be drank on the premises where it was sold.

[The remaining observations made by the hon. Member were rendered inaudible by universal cries of "Question."]

The House divided, when there appeared—For the original Motion 245; Against it 29—Majority 216.

List of the Minority.

Bell, M.
Burrell, Sir C. M.
Byron, T.
Chandos, Marquis
Drake, T. T.
Drake, W. T.
Fane, J.
Foley, E.
Fremantle, Sir T. M.
Gordon, R.
Heathcote, R. E.
Heathcote, Sir W.
Hodgson, H. A.
Inglis, Sir R. H.
Keck, L.
Knatchbull, Sir E.
Milton, Lord
Rickford, W.
Sadler, M. T.
Sibthorp, Colonel
Tynte, C. K.
Vyvyan, Sir R. R.
West, F. R.
Wells, J.
Williams, O.
Williams, T. P.
Willoughby, H.

TELLERS.

Dickinson, W.
Portman, E. B.

HOUSE OF LORDS.

Wednesday, May 5.

MINUTES.] The Malt Duties Bill was read a second time.

Returns ordered. On the Motion of the Earl of MALMESBURY, the number of Bushels of Malt on which Duty was charged in each year from the earliest period the Return can be made out, with the Rate of Duty:—The quantity of Beer, Porter, and other small Liquors that have paid Duty each year, from the earliest period the Return can be made out.

Petitions presented. By the Marquis of TWEEDALE, from the Freeholders of Roxburghshire, for an increased Duty on Rum. By the Marquis of ANGLESEY, against the proposed alterations in the Welsh Judicature, from the Inhabitants, and from the Grand Jury of the County of Anglesey; and from the Inhabitants of St. Michael's and St. John's, Dublin, for a Repeal of the Duty on Coals.

TAX ON LEATHER.] On the Order of the Day for the third reading of the Leather Tax Repeal Bill,

The Earl of *Malmesbury* expressed a hope that the repeal of the Duty on Leather would prove beneficial to the great body of the people; but he understood that the harness-makers, and other workers in the material, were not of opinion that they would obtain it for a less price than before.

The Bill was read a third time and passed.

SIR T. WILSON'S ESTATE BILL.] On the Order of the Day for the second reading of this Bill,

The Earl of *Mansfield* objected to its further progress, as it would prove exceedingly injurious to the town of Hampstead, and to all those who held property in its vicinity. The father of Sir T. Wilson had, by will, limited the power to grant leases to the term of twenty-one years—the son now required leave to let the ground for building on leases of ninety-nine years; and the simple question was, whether Parliament would interpose to alter the avowed and express object of the testator. The grounds on which Sir T. Wilson might be supposed to apply for the interference of the Legislature to set aside the will of his father were, either the occurrence of something which the testator had not anticipated, the omission of something which he should have done for the improvement of the estate, or such an altered state of circumstances as rendered it imperatively necessary to make new arrangements. No such reasons were, however, given by Sir T. Wilson; and it was plain, from the fact of his father allowing him to let one estate for ninety-nine years, and restricting his power in another, that he did not intend that Hampstead Heath should be let in the manner desired by the present tenant for life. The House might think it unreasonable, but the power of the father to make the arrangement was unquestionable; and he contended from this, as well as from the injury it would inflict on the copyholders of Hampstead, that the House ought not to interfere for the purpose of altering the will, which limited Sir T. Wilson's powers to dispose of the property.

Lord *Arden* supported the Bill. He believed that their Lordships had uniformly given their consent to bills of this description, and he saw no good reason for departing from the usual custom on that occasion. Within a few years several hundred bills of this description had received their Lordships' approbation.

Lord *Tenterden* was understood to say, that it was customary in law not to suppose in any holders of property for life a power to let it, unless that power was given to them by the testator. In this case, by such a power having actually been given to the present Sir T. Wilson over his Woolwich estates, while no such power was conferred over his estate at Hampstead Heath, it was to be presumed that he ought not to have it given to him. On this principle he thought the Bill ought not to pass.

Their Lordships divided, when there appeared: For the second reading 7; Against it 23—Majority against the Bill 16.

PARISH REGISTERS (SCOTLAND).] Lord *Napier* said, that in calling the attention of their Lordships to a measure which involved not only the interests of private individuals, but the public concerns of the kingdom, he had to acknowledge that he found himself surrounded with difficulties which could only be removed by the superior wisdom and experience of their Lordships. Those difficulties arose out of certain differences of opinion which might possibly exist among their Lordships, but prevailed to a great extent among the ministers of the Church of Scotland, who would be more particularly intrusted with the administration of the law which he was about to propose for their Lordships' consideration. For his own part he should never have thought of interfering in any manner with this important business, had it not been from the personal observation of the most gross and scandalous mismanagement and neglect on the part of those intrusted with the care of the Registers of the parish in which he resided; but in case their Lordships should be of opinion that one solitary instance of neglect was not a sufficient ground for parliamentary interference, he would refer their Lordships to the Population Abstract, published in 1801, wherein it appeared, that out of 850 parishes in Scotland which made returns under the Population Act, only 99 were in possession of regular Registers, the rest having made only occasional entries therein, or keeping no Register whatever. This great abuse had long ago awakened the attention of the very learned and industrious Deputy Clerk Register in Edinburgh, who not only mentioned it in his reports to the Court of Session, but made such a communication to the general assembly of the Church of Scotland, as caused that reverend body to appoint a committee of their own members to prepare an overture concerning parochial Registers, wherein it is stated:—"That whereas great inconveniency and loss has been experienced in many parts of the country, either from no parochial

Registers being kept" (and their Lordships' attention should be particularly directed to this admission of no parochial Register being kept), " or from the inaccuracy with which it is done, the assembly enjoins the several presbyteries of this Church to take the steps necessary to secure the keeping of three separate Registers in every Parish." This recommendation was dated the 27th May, 1816. He would then beg leave to quote to their Lordships an extract of a Letter from the Rev. Dr. Meiklejohn, convenor of the committee, to a noble relation of his, not at present in this country, the Earl of Haddington, who then took some interest in the business, and which was dated the 3rd March, 1823. The writer said:—" It has been long known that many individuals have experienced much inconvenience, and incurred heavy expense, from the state of our parochial Registers, and the very defective manner in which they are kept. At the conclusion of the late war, when the claimants were numerous to property left by relations who had fallen in the service of their country, this was felt to be a great public evil, and came more particularly under the observation of the ministers of the Church of Scotland, to whom their parishioners have constant recourse in such cases. These circumstances occasioned the state of the parochial Registers to be brought under the consideration of the assembly in 1816, and that assembly, by a very particular recommendation to the presbyteries, did what was in their power to remedy the evil. They were, at the same time, perfectly convinced that nothing but a legislative enactment would prove effectual, and therefore appointed a committee, which has been renewed by every assembly since that time, to make application to those who might be instrumental in providing such enactment." From 1816, however, to the present time, matters had remained in their original position for want of this legislative enactment. Last year, indeed, he had introduced a bill to remedy the defect; but on being transmitted to the clergy of Scotland for their consideration, it was thought to contain enactments imposing duties on them which they considered the Parliament had no power to impose, they being derogatory to the rights and independence of the Church of Scotland. With the view of obviating this difficulty he had made it his business to consult those from whose experience he might expect the most valuable assistance and advice; and upon the principles recommended by the learned and celebrated Dr. Cleland, of Glasgow, the present Bill was proposed for their Lordships consideration. He believed that in no part of the world was there to be found a gentleman more learned in statistical science than Dr. Cleland; neither was there any parish of Great Britain in which the Registers were kept in a more regular and complete manner than in the city of Glasgow. The ministers of the different parishes there seconded with great energy and effect, all the different propositions of the learned Doctor; and by his advice, and that of the session clerks, he submitted to their Lordships a bill, founded on the principles which had enabled the Kirk session of Glasgow to effect so great a purpose, in the absence of all legislative enactment. A copy of the Bill had been transmitted to Dr. Cleland, and returned with some amendments, which he had proposed after due consideration, assisted by several of the ministers, and the session clerks of the city of Glasgow; and if it were their Lordships' pleasure that the Bill shall be read a second time, it would afford him great pleasure to introduce those amendments in the committee. He had also transmitted a copy to the committee of the general assembly, and those reverend gentlemen, by a resolution of the 22nd of April last, declare it to be their opinion; " that unless registration is rendered imperative, and enforced by proper penalties; nothing effectual can be done." He regretted that there should be found any difference of opinion between reverend and learned gentlemen in Edinburgh and Glasgow; and although it was to himself personally, a matter of the most perfect indifference, whether or not this Act was to be enforced by pains and penalties, yet it was his decided opinion, that it would be utterly hopeless and impossible, either to enforce the provisions of the Act through such means, or even to recover the penalties when due. Experience had already proved the utter impossibility of carrying such a measure into effect; for the illustration of which he would refer to the failure of the Act 23rd. Geo. 3rd, cap. 67, for levying stamp duties on parochial registrations. Besides, in all landward parishes, the duty of the session-clerk, whose business it would be to recover the penalties, devolved on the parish schoolmaster; a person, whose object it was to reside in peace and harmony with his neighbours, who was to have the charge and education of their children, and who, by entering into prosecutions and litigations, would be living in hot water with all the parish; losing his most valuable time, neglecting his more special avocations, and deprived of all his authority and usefulness as a schoolmaster. From the example of the city of Glasgow, he was encouraged to look to the good sense of the people, their understanding the advantages of registration, and the active and diligent co-operation of the clergy, in advising and persuading them to avail themselves of the benefits to be eventually derived by many of them or their successors from a diligent attention to the forms prescribed by this Bill to carry it into effect. Besides, he was encouraged by the example of the parochial registers in England, a set of records filled up and preserved with the greatest regularity and care; and the bill by which these matters were regulated at present, namely, 52 Geo. 3rd, cap. 146 contained not one single fine or penalty, saving that of transportation for forging the names or destroying the records. He thought, however, that no perfect system of registration could be effected, unless the Government would appoint and pay clerks in the different parishes for that special purpose alone; and he was afraid that the First Lord of the Treasury would not feel himself in a condition at present to appoint and uphold any such nominations. All that he wished was, that with such means as were already possessed, Scotland should be put on an equal footing with England; and as he knew that there were many clergymen in the former country deeply interested in the welfare of the people committed to their charge, he placed his reliance on them, and he had every hope that the general assembly would in due time enact such regulations for the guidance of the clergy as would remove the evils of which there was so much reason to complain: there had been many Statutes or episcopal mandates issued in England for the regulation of these matters; but in Scotland there was not one. He was aware that the present was only an imperfect measure; but it was the beginning of a system, where no system yet existed; it would lay down a uniform and general plan for all the parishes; and he looked, he repeated, to the good sense of the people, and the hearty co-operation of the clergy, to give it due effect. If it were there lordships pleasure to allow the Bill to go to the committee, and should it pass that stage in an amended form, he would make it his business to refer it back in that shape to the Committee of the General Assembly, and wait the result of the reverend gentleman's deliberations thereon.

Viscount *Melville* admitted the necessity of introducing conformity into the mode of keeping Registers in Scotland, and therefore cordially concurred in the principles of his noble friends Bill. There might, perhaps, be some objection to the machinery, but he should reserve his objections to the next stage of the measure.

The Earl of *Rosebery* also stated, that there was a total want of uniformity in the mode of keeping parish Registers in Scotland; he therefore gave his cordial concurrence to the principle of his noble friend's bill. He hoped that the amendments which were to be introduced when the Bill went into a committee would make it satisfactory to all parties.

The Bill was then read a second time, and ordered to be committed on Monday.

HOUSE OF LORDS.

Thursday, May 6.

Minutes.] Returns presented. Of Foreign Corn admitted for Home-consumption between July, 1828, and July, 1830, and at what Rates of Duty:—Coals shipped at Newport for Bristol and Bridgewater:—And Money paid by the Treasury on account of the Inquiry ordered by the Parliament concerning the Boroughs of Penryn and East Retford.

Petitions presented. By the Earl of Derby, from Lancaster, against the Renewal of the East India Company's Charter. By the Earl of Eldon, from Richmond, in Surrey, praying a Revisal of the Insolvent Debtors' Act. By Lord Teynham, from the Corn Inspectors of Dublin, praying for a better intercourse between the Inspectors of the two Countries, in order to improve the Method of taking the Averages. By the Earl of Orford, from King's Lynn, Norfolk, praying the Abolition of the Punishment of Death for Forgery. By Lord Clifford, from various places in Devon, and from Chertsey, complaining of the Coast Duties on Coals. By Earl Stanhope, from the Paper-makers of Kent, praying the imposition of a Duty on Machinery; and also from the Paper-makers of Surrey. By the Marquis of Lansdown, from Norfolk, against the Malt Duties. By Lord Wharncliffe, from the Seamen of the River Tyne, complaining of Dues exacted from them for the Support of Greenwich Hospital; and also from Baptists at Farsley, praying for the Abolition of Slavery. By the Bishop of Litchfield, from the Inhabitants of Alton, praying for the Abolition of the use of Climbing Boys. And by the Earl of Darnly, from Tullamore, in King's County, praying that Poor-laws might be extended to Ireland.

National Debt and Revenue.] Viscount *Goderich* said, after the time of their Lordships had been so long occupied with petitions, one of which had been withdrawn and another rejected, he was afraid that he could not expect that their Lordships would pardon him, if, upon a subject so uninviting as that of public credit, he should detain them long. He trusted, however, that they would excuse him if he prefaced the Motion with which he meant to conclude, by making some observations on the subject to which that Motion referred. He hoped he should find an apology, and even a justification, in the fact that the subject, which was of great importance at all times, was, by particular circumstances, rendered so additionally important just now, as to compel and command public consideration. That the National Debt was a subject of great importance no man could doubt, who considered that its amount was so great that not less than half of all the money levied by taxation went to pay the charges for it. Owing to the great pressure occasioned by those charges, our present system of taxation was very grievous, for it consisted principally of taxes raised at the moment under the influence of necessity, being intended to supply the immediate demand of the day, and little or no consideration was paid to the ultimate consequences of taxes so imposed. The subject acquired additional importance at the present moment, by the circumstance, that a large part of the community was in great difficulties and distress, who naturally looked with dissatisfaction and disfavour at what was supposed to aggravate the pressure of the public burthens. Accordingly, it was found that many opinions were now prevalent respecting the public debt, such as representing that the public suffered enormously from its operation—that it was an intolerable grievance, and that the pressure was so great, that no relief could be obtained, unless by laying violent hands on the Debt, and committing a gross act of injustice and spoliation on the public creditor, by forcibly diminishing the charge, and forcibly reducing the rate of interest, against which it would behove their Lordships to be on their guard. To meddle violently with the Debt, would be considered a most fatal event, leading to the greatest possible mischief, and there was no part of his Majesty's Speech, delivered at the opening of the Session, in which he more heartily concurred, than in the last part, where his Majesty recommended Parliament, "whatever view it might take of the public difficulties, not to lose sight of the importance of maintaining unimpaired the public faith and the public credit." To that he entirely and cordially subscribed, and deeply should he lament ever to see that advice rejected by Parliament—deeply should he regret to know that Parliament had adopted the opinion that it was necessary to act in what he thought an unjustifiable manner towards the public creditor. It appeared that the view many persons were disposed to take of the National Debt was, in a great measure, the consequence of the actual pressure of the Debt; but partly also, it was the consequence of the wrong view those persons entertained of the possibility of diminishing or getting rid of the Debt: they had formed a false theory, and had drawn erroneous practical conclusions. In the first place, it was supposed that since the termination of the war, little or no progress had been made in diminishing the burthen of the Debt, and it was represented as an act of insanity, as well as injustice, to attempt to pay off in a rectified metallic currency, a debt contracted in a depreciated currency. It was represented that all classes in the country had been for many years suffering under difficulties and distress, which had now reached their acmé; that the only class which had been free from these difficulties was the class of public creditors, who, it was represented, grew wealthy and profited at the expense of the other classes of the community. It was also said, that it had become nearly impossible for the country to go on under such a grievous burthen, and that it was both unreasonable and unjust to attempt to preserve faith with the public creditor in the midst of increasing difficulties and a continually failing Revenue. These opinions were widely diffused—he had read them in many publications—he had seen them in resolutions adopted at public meetings, and he had heard them read in petitions at the Table of that House. It was because he conceived that these opinions were founded in great errors of fact, and were supported by many fallacies in reasoning, and because he thought it might be shown that there were errors in fact and fallacies of reasoning concerning the National Debt, that he had taken the liberty to call their Lordships' attention to the subject, thinking it of public importance to show that some current opinions were extremely erroneous. First, as to the amount of the National Debt, and the efforts that had been made since the war to reduce the charge. It was generally stated, that there had been little or nothing done, and that the whole capital of the Debt had not, in fifteen years, been reduced more than the sum of forty millions. If that were true, very little indeed had been done; but it was inaccurate as to the fact. Even in looking at the question as to the amount of capital reduced, it appeared from the figures that it amounted to sixty millions. But the great fallacy in this matter was to argue—and this was an assumption continually made—as if there existed any such thing as a capital of the National Debt; there was no such thing as a capital of this Debt. He denied that there was any capital corresponding to the debt due to the public creditor. An ordinary debt was composed of capital lent to the debtor; it was competent to the borrower to repay what he borrowed at his own convenience, and it was competent to the lender to demand back his principal. Of these two conditions only one was applicable to the National Debt. By the contract the State had entered into with its debtors, it had the right to pay them off whenever it was convenient or advisable for the State to do so; but, by the terms of the contract, the public creditor could never claim from the State a single shilling of what he had advanced. The utmost which he was entitled to claim—and to that alone had the State pledged itself—was the payment of an annuity. That was all the public debt consisted of, and the evil and pressure it caused all arose from the necessity of paying certain annuities, which were either permanent or temporary: the payment of them was what the contract specified. It was a great error to argue this important question on the supposed immense capital of the Debt. The only question for the public was, in what degree the pressure occasioned by the charge for this Debt was felt. He would compare, not the nominal amount of the Debt, but the charge at different periods; and he would compare it when the charge was highest. There would be one account among those he meant to take the liberty to call for, which would put the facts on this part of the case before their Lordships, but he had been able to make out from documents, laid before the other House of Parliament, some facts which would explain to their Lordships what that information would be when produced. According to the view he took of the National Debt, it appeared to him that its amount had been reduced very considerably beyond the amount of what was ordinarily supposed to be the case. The year when the charge was the highest—the funded and unfunded debt being estimated together, as they generally were in practice, and had been frequently connected in laws—the year when the charge for both funded and unfunded debt was the highest, was 1816. By comparing that year with the present year it would be found that a diminution had taken place in the annual charge for the debt of not less than 4,300,000*l.*; equivalent, he contended, to a reduction of the capital of the Debt to the amount of 150,000,000*l.* The total charge for permanent and terminable annuities, and for the expense of management for the public debt in 1816, was 30,648,055*l.* The total charge for unfunded debt for the same year was 2,290,696*l.* The total charge, therefore, for the funded and unfunded debt at that period, was 32,938,751*l.* or very nearly thirty-three millions. At that period the charge was the highest; and he would compare that sum with the charge now incurred for the payment of the Debt. In 1829, the total charge for the permanent and terminable annuities, and for the management of the Debt, was 28,277,117*l.*, being a diminution, as compared to the same head of expense in 1816, of 2,370,938*l.* The interest on Exchequer bills in 1829 was 878,494*l.*, being less than the interest on Exchequer bills in 1816 by 1,412,202*l.* The total diminution of charge for the National Debt then in 1829, as compared to 1816, being 3,783,140*l.* That was, he thought, a pretty considerable sum. Compared with the reduction which was usually assumed to have taken place, it must be found a great advantage. It was little or nothing to have reduced the nominal capital of the Debt forty millions at three per cent, which would only be an annual saving of 1,200,000*l.*, but by what he had stated, it would appear to their Lordships, that the actual saving was two millions and a half more. It was unfair, then—it was in fact an error, to describe the reduction of the Debt in the common way, by the nominal amount of the capital reduced. But it would be taking an imperfect view of the subject were he not to refer to an operation which was then in progress, and which, when completed, as it would be in 1831, would make the diminution more considerable than he had mentioned. He alluded to the plan for reducing the 4-per-cents. He had never entertained a doubt that this measure was practicable, nor had he ever entertained a doubt that it was just. A great clamour had been raised against it, and a great deal of nonsense had been both written and said, and several steps had been taken with a view to enhance the difficulties of the undertaking, or to defeat it altogether. Those efforts had been unavailing, and indeed it was absurd to suppose they could have been successful. That the measure was not unjust, the conditions of the contract would distinctly prove. The stock now reduced was originally the 5-per-cent Stock, and it was the same Stock that was reduced in 1822; and then it was distinctly stated, that it would be liable, after a certain period, to be reduced still further, if circumstances made it convenient. When his noble friend (Lord Bexley) carried that reduction into effect, with what he might call marvellous success—for it was as great a financial operation as ever was undertaken—the terms of the new contract were, that the holders of the 4-per-cent Stock then created should be liable to have it reduced at the expiration of seven years. That period expired in October, 1829, and that stock was now liable to be reduced whenever the Government might find the reduction convenient. If the Government had used any means to force up the price of stock it might have been unjust, but it was impossible to believe that it had ever contemplated any such thing. If it could conveniently reduce this interest, the Government would have committed a great blunder, it would not have done its duty, if it had not carried the measure into execution. When that measure was completed, the saving on the interest of the debt, the year following, would not be less than 778,000*l.* to be added to the sum he had already mentioned as the diminution of the yearly charge. Another saving made during the present year would be on the interest of Exchequer bills, which would not exceed 750,000*l.*, being 128,000*l.* less than the charge for 1829. If their Lordships were to add the saving on the interest of Exchequer Bills to the saving by the reduction of the 4-per-cents, their Lordships would find the amount of the actual saving.

The Duke of *Wellington* said, that by a reduction of the rate of interest on Exchequer bills there would also be a saving.

Viscount *Goderich*, in continuation: That made the argument he was stating so much the stronger; but without including that, the reduction of the charge on the National Debt for the next year, as compared with 1816, would not be less than 4,689,000*l.* It might be supposed that this was overrated, that something might be demanded to pay off the dissentients, who held 4-per-cent Stock, and who would not take 3½-per-cent, and therefore he would state the saving at 4,500,000*l.* This was, he contended, a very considerable reduction. The sum of 4,500,000*l.* interest was equivalent to a reduction of 150 millions of capital at 3-per-cent. If in 1816 it had been stated, that in the year 1830 the National Debt would be reduced 150 millions—if his noble friend near him, Lord Bexley, had then made such a statement, he would no doubt have been regarded as a visionary—he would have been charged with exciting false hopes, and of giving flattering accounts to delude Parliament and the country. It was, however, a fact, that in fifteen years the annual charge had been reduced 4,500,000*l.*, which was equivalent to a capital of 150 millions. That statement would show their Lordships that it was a great mistake to assert that no progress had been made in reducing the charge for the Public Debt since the war. The next point he would direct their Lordships' attention to was the fallacy of the statement or opinion entertained by many persons, and, among others, by a noble friend near him (Earl Stanhope), that it was wrong to pay in a sound restored currency a debt which had been contracted in a depreciated currency. If it were true that we were so paying in a metallic currency a debt contracted in a depreciated one, without an equitable adjustment of the difference of value between the two currencies, there could be no doubt that we were pursuing a very prejudicial course with respect to the public interests. But we were not, and the error which induced some persons to think we were, lay in its being assumed that the whole debt had been contracted in a depreciated currency, Nothing so extravagant, though some people nourished all sorts of extravagant opinions, could however be seriously asserted. Admitting a certain depreciation of the currency, as there was no real capital of the Debt, its only effect would be to enhance the annual charge for the nominal debt. If he were to extend the depreciation over as long a period as possible, it would not amount to twenty per cent on the whole debt, and only amount to twenty per cent on the whole charge. What was the effect of a depreciated currency, unless to raise the nominal prices of merchandise, using the term in its most extensive signification—and to compel a borrower to borrow more money than he need, or would have borrowed to meet his expenses, but for this rise of price? During that period of the war in which the loans in a depreciated currency had been contracted, the average rise of price might be taken at twenty per cent—that is, Ministers had to borrow twenty per cent more than they would have borrowed but for the high price of commodities—or, they were obliged to add to the charge of the debt contracted during the depreciated currency in the proportion of twenty per cent. It appeared from figures, that the annual charge for the sum borrowed during the depreciation amounted to 17,500,000*l.* and taking twenty per cent on the total sum borrowed during that period, that made the additional charge amount to 3,500,000*l.* Twenty per cent on 17,500,000*l.* was 3,500,000*l.*; that is to say, but for the war there would not have been such large loans, and but for the high prices consequent upon a depreciated currency, there would not be this additional charge for the loans made during the war, amounting to 3,500,000*l.* Unless the charge on the Debt had been since the war reduced 3,500,000*l.*, the country would be paying, the currency being now on an improved footing, a portion of debt contracted in a depreciated currency. Well, then, had the charge on the public Debt been reduced 3,500,000*l.* since the war? He need not answer the question in the affirmative, as he had just shown a reduction of upwards of 4,500,000*l.*, the difference between the charge now, 29,000,000*l.*, and in 1816, when it was 33,500,000*l.*, to speak in round numbers for the sake of clearness. It was therefore a great fallacy to say that they were then paying in a restored currency for a debt contracted in a depreciated one, without any equitable adjustment of their relative difference. The fact was, that a portion of the Debt more than equivalent to that portion contracted in the depreciated currency had been paid off, consequently, he was entitled to say, that the remaining portion had not been, as was in his opinion incorrectly asserted, contracted in a depreciated currency. The next point he should offer a few remarks upon was, the objection, or assertion, he did not know which he should call it, that the Stockholder was now deriving advantages from the general low prices of commodities, at the expense of the other classes of the community. Now he for one was far from being an enemy to low prices; indeed, he believed no body was but sellers, each seller too only was so far as his own merchandise was concerned: buyers liked low prices, which he conceived were most advantageous to the general interests of the public. He therefore, were it only on that ground, did not grudge to the stock-holder the advantages which the present lowness of prices might afford him, supposing, if their Lordships would, that he did derive a greater advantage than his neighbours from that circumstance. He thought it unfair to charge the stock-holders with those advantages, for it should be remembered that they had had their evil day while other classes had the sunshine of high prices. On this ground, also, he should not grudge them the benefit they might derive from low prices. But, moreover, what did the low rate of interest, the low rate of prices, mean as an exclusive advantage to the stockholder? Why, that funds, that stock, bore a high price, so that the holders might now sell them for more money than they paid for them, and by so much reap a profit. But all this while it should be borne in mind, that the circumstances which induced the present low rate of interest, and all its consequences, were also highly favourable to the other classes of the community. For example, such of their Lordships as had mortgages on any part of their property, contracted, say at five per cent, must find the present low rate of interest highly favourable to paying off those mortgages, by borrowing money at 3 or 3½ per cent. He spoke from his own experience in this way, and also from what he had heard of others, who, like him, found it very convenient now to reduce the interest on debts contracted at a higher than the present market rate of interest. And the argument equally applied to all claims on all landed or other property, showing that the advantages which it was conceived the stockholder derived exclusively from low prices, were generally shared by the public. By this low rate of interest the public would be gainers to an enormous extent, so far as the charge of its burthens was concerned; for it had enabled Ministers, as he had explained, first to reduce the 5-per-cents to 4-per-cents., and next the 4-per-cents, to 3½-per-cents. He repeated, then, that it was unfair to speak of the stockholder as deriving advantages exclusively from circumstances which occasioned distress to other parts of the community. The next point to which he should direct the attention of their Lordships was, the alleged impossibility of going on under what was called a failing Revenue. If it were true that little or no reduction had been made in the amount of the public Debt,—that no reduction had been made in its charge,—the alarms of many well-disposed persons might be considered to be not wholly without foundation. But when it was considered, on the one hand, that not less than 4,500,000*l.* of reduction had been made in the charge of the national burthens, as he had explained; and that, on the other hand, a considerable reduction of taxation had been effected without a diminution of the Revenue, he could not for a moment enter into the gloomy views of those who predicted so unfavourably of our resources. To make the matter plain, he would take the Revenue derived from the Excise and Customs in the twelve years, from 1817 to 1829; and he found, that in five of those years the Revenue was less than in 1829; in the remaining five, something more. Taking the three years,—1817, 1818, and 1819, the Revenue derived from the Excise and Customs stood in the following order:—in the first of those years it was 32,740,000*l.*: in the second, 36,252,000*l.*: and in the third, 35,776,000*l.* But in 1829, he found the Revenue derived from the same sources to be 37,000,000*l.*, though not less than 9,000,000*l.* of Excise and Customs' taxes had been repealed. This fact in itself showed that the Revenue was not falling off, and the assertions founded on so erroneous an assumption required no refutation. It proved that, however distressing the difficulties under which we at present laboured might be, they were but temporary, that the resources of the country were still unimpaired, and that all that had been said about our being near to a state of bankruptcy was founded in misapprehension. To make the matter still more evident he would enter a little more into detail. He should wish to direct the attention of the House to the following returns of Revenue derived from the Customs and Excise for the last four years, as he thought they would set at rest all gloomy predictions respecting the prosperity of the country. The average revenue derived from the customs in the years 1826, 1827, and 1828, was 17,477,000*l.* The revenue derived from the Customs in the last year was 17,211,000*l.*—showing, he admitted, a falling-off of upwards of 250,000*l.* Some stress might be laid on this defalcation, which was accidental; but he did not think the amount of it required any explanation; and the rather, as it was more than made good from other sources. The average revenue derived from the Excise in 1826, 1827, and 1828 was 19,456,000*l.* The revenue of last year was something more, being 19,540,000*l.* The revenue derived from Stamps in three antecedent years was 6,873,000*l.*, that of last year was 7,101,000*l.* The Assessed and Land Taxes in the three antecedent years amounted to 4,772,000*l.*; in the last year they amounted to 4,896,000*l.* The Post-office, during those three years, produced 1,513,000*l.*; in the last year it produced 1,481,000*l.*;—a falling-off which, were it necessary, he might explain by some alteration which had taken place in the mode of remitting bills of Exchange by letter. Taking, then, the whole Revenue thus derived in the three antecedent years, and comparing it with that of last year, he found an increase of, he admitted, but little amount: still, however, it was an increase, though the contrary had been stated to be the fact; the amount of the Revenue, in the former three years, being—50,087,000*l.*, and in 1829 50,280,000*l.* He might be told that, all things considered, this was a falling off. Why, bless their hearts, what did they want? He begged pardon for speaking so colloquially; but were they to be frightened out of their senses by an accidental defalcation in one quarter which would probably be made good in the next? They ought not to look to days or quarters, but to the average of years, and that average would show that there was no foundation for desponding views, for thinking that every puny whipster that pleased might snatch the sword from our side, or that we were so fettered as to be unable to offer any effectual or becoming resistance. He maintained that the energies, the resources of the country were still unimpaired, and were never more equal to any demands, which might be made on them for the assertion of national honour. It might be said, however, that, though the present aspect of the country was favourable, and that though the reduction he had pointed out might have been made in the national burthens since the peace, yet there was no ground to warrant us in looking forward to the continuance of those favourable circumstances, or to further reductions. He was not able to say whether this were true or not. He thought it highly probable. He could not take upon himself to say that, by the end of the next fourteen years, there would be other reductions equal to those of the last fourteen. But what inference ought to be drawn from this? Why, only that it was the duty of Parliament and of Ministers to superintend with unceasing vigilance the whole system of taxation, to see how far reduction might be effected, to determine what were the effects of the present distribution of the several taxes, particularly of those on productive industry, which ought to be removed above all others, in a word, to effect every possible reduction compatible with the exigencies of the State, and preserving inviolate the public faith. He for one did not mean to impute any lack of this necessary vigilance to the present Government, in whose disposition to economise he had great confidence. There was one other point upon which, before he sat down, he was desirous of making a few remarks: he meant the transactions between the Government and the Bank of England, relative to the issue of Exchequer Bills. He thought it highly desirable that the issue of those bills should be restricted as much as possible. He was aware that of the 20,000,000*l.* which were said to be floating in the market, 6,000,000*l.* only were in the hands of the Bank, and that even of those it was said but 1,600,000*l.* or 1,700,000*l.* passed directly from the Government, the remainder having been purchased by the Bank in the money-market. He was aware also that they were a very convenient sort of security, as indeed was evinced by the premium which they bore in the market; but he still thought that they were what was vulgarly called so ticklish a species of security, that too much caution could not be observed in the issue of them. This was the more necessary, as the period of the renewal of the Bank Charter approached. Indeed he thought it quite essential that the Government should pay off all the Exchequer Bills held by the Bank before they came to consider the subject of the renewal of the charter. So long as the Bank had those Government issues in its hands, it had a purchase, more or less, on freedom of action in the Government, and consequently it was highly desirable that the Government should free itself from the operation of such restraint with as little delay as possible. He should propose that they should first pay off those held immediately by the Bank, though at temporary inconvenience: and next, that they should buy up those in the money market at large. There were many results ensuing from a large issue of Exchequer Bills, to which he should willingly direct the attention of their Lordships, did they fall within the scope of his present Motion. It was sufficient to remind them that the holders of such bills had the power, once every year, of demanding the amount they gave for them from the Government. In other words, that they possessed the power of embarrassing the financial arrangements of Ministers. He had now brought his observations to an end. He professed to have no object in view in his remarks, except the removal of those erroneous impressions, which were so prevalent on the important subjects thus cursorily explained. The present financial position of the country, in his opinion, exhibited no grounds for alarm or despondency, however heavy the pressure of our debt might be considered. It ought to be frankly admitted that we suffered much from that pressure; but it ought also to be asserted, that the energies of the country were rising superior to its burthens. The reason why he felt most concerned at an opposite view being taken by any person was, from the effect which the expression of it might have on other nations. If desponding language were to be held by this country, nothing but danger could surround her, and the alarm once given, he would not give many years purchase for the peace of Europe. The consequence would be, that England would be driven from the high station she had hitherto held—an object at which all other nations thought that it was their interest to aim. The influence of England on the Continent was, to a great extent, founded on the confidence that foreign nations had in the honour, integrity, and good faith of this country; but that influence was essentially built on a conviction of our strength; and feeling that that strength was not yet impaired, he was convinced that nothing could be more disastrous both to other nations and ourselves, than to invite attacks by assuming an appearance of decay. England still, in his opinion, had all her wonted resources within herself; and if the time should ever come when she was to be attacked, he did not doubt that—

"Our castle's strength would laugh the siege to scorn."

The noble Viscount concluded by moving for several Returns to elucidate the statements he had made.

The Duke of *Wellington* said, he considered that the Government and the people were under the greatest obligation to his noble friend for having introduced the subject to their notice, and for the manner in which he had treated it. He would not weaken the effect of the admirable speech of his noble friend, either by commenting upon its matter, or by repeating over again anything that he had said. In general he agreed with all that had fallen from his noble friend, and he congratulated their Lordships in having had laid before them so admirable a statement of the true state of the National Debt, and of the interest paid by the nation on that debt. There was only one part of the statement of his noble friend to which he must confess he could not give his entire concurrence. The part to which he alluded was that in which his noble friend had, with his customary candour, commented upon that topic which usually went by the name of the Equitable Adjustment. His noble friend had admitted that an increase of the Debt was occasioned by the depreciation of the currency, and had stated the amount of that at twenty per cent. It was certainly true that there was a large increase in the price of commodities during the depreciation of the currency; but the allowance that his noble friend had made appeared to him to be a very large allowance indeed. His noble friend had admitted too much he thought in stating the annual increase of the charge on account of the Debt contracted in a depreciated currency at 3,500,000*l*. To calculate it they ought to take the difference between the market price of gold and the Mint price in 1819, when the Bank Restriction Act was repealed. The difference then was abour four per cent, and as the amount of charge for the Debt at that period was 30,000,000*l*., this difference of four per cent made 1,200,000*l*. That was all which could have been saved by sacrificing the honour and credit of the country, by what was called an Equitable Adjustment. By the measures that had since been taken—there had been an actual saving of 150 millions to the country—a circumstance which ought to give them hopes that every thing that was required by the country might be done with good faith and honour, instead of resorting to the national bankruptcy that was recommended by some—he begged to say that he was not in this alluding to his noble friend, Earl Stanhope. His noble friend had concluded by some observations on the Unfunded Debt. It was true that the amount of Exchequer bills was twenty-five millions; but of that sum four millions had been issued on account of public works, and would be repaid without causing any charge to the country. Of the remaining twenty-one millions, six millions were held by the Bank of England; so that instead of twenty-five millions, there were only fifteen millions actually in circulation; and it did not appear to him that that amount was too large, considering the present state of the credit of the country. All these matters, however, would, of course obtain the anxious consideration of the Government; and he was sure that the advice of his noble friend would have weight with the Chancellor of the Exchequer, as well as with himself, when the subject came to be taken under consideration. He could not allow the excellent observations of his noble friend to pass without these few remarks, and he hoped that it would be found that the speech which he had made would have its due effect both with the Parliament and the Government. At least he could assert that it was the intention of the Government to follow the example that had been set, and both reduce the national expenditure, and the National Debt, to the utmost of its power.

The Earl of *Stanhope* said, he felt himself called upon to say a few words on this question, and to declare that his views of it were totally different from those taken by the noble Duke on the opposite side, and other noble Lords on this side of the House. Instead of the triumphant statement made by the noble Viscount (Goderich), he wished to call their Lordships' attention to the real situation of the country, comparing it to what it was when that great financier, Mr. Pitt, guided its resources. There was now a total wreck, not a vestige of the Sinking Fund remained. He wished to deny that he had ever said that an equitable adjustment would be inequitable in principle; this assertion had been attributed to him, but he denied it. If indeed his view of the state of this kingdom were dark and gloomy, as perhaps it was,—it was a view that had been formed from much reflection, and he confessed that there was not an individual in the House who contemplated the situation of the country with deeper awe than he felt. Again, he wished to ask, in case this country should go to war, what would be the situation of the Minister who sanctioned war, unless accompanied by a Bank Restriction Act? If such a measure were not adopted, it would involve the impeachment of the Minister. It was, in his opinion, utterly impossible to continue the currency of this country in its present form, and he was astonished that noble Lords, who assumed a high tone of defiance, should entirely have overlooked the important consideration of the agio of exchange, as connected with the exportation of gold. With regard to an average of prices, he would refer their Lordships to the year 1819, from which period, prices had fallen fifty per cent, and in many cases more. This gave no concern to the noble Viscount; he exulted in low prices, which, if accompanied by a state of prosperity, were a blessing;—but a curse—a frightful curse—when arising from a great reduction in consumption, and a great increase in the value of money. Under such circumstances it was absolutely impossible to continue to raise the same amount of taxation. We were not able to sustain low prices, coupled with high taxation; which was a contradiction of terms; that was he repeated utterly impossible, and the evidence of facts proved it. To those who had had the misfortune to conduct the Administration of this country, he would say, that they were exposed to this dire alternative—they must either retrace their steps, and restore the currency to the state in which it was at the early period of lord Liverpool's administration, immediately after the peace, or proclaim a national bankruptcy. The mode in which we might restore this country to prosperity, if we had recourse to an equitable adjustment, must be by striking off from the capital of the Debt seventy per cent, and reducing all public payments in the same ratio. Such an overwhelming reduction could only be productive of the most frightful consequences for every class; and it would be summoning them to resist such a proceeding by physical force. He knew that in some countries, particularly in Austria, an equitable adjustment had been effected; but the situation of that country, as compared with this, was totally different. Their Lordships were aware that there existed for many years in that country two distinct species of currency, and the relative value of the two was the best criterion of the amount of depreciation to be adjusted. Such also would have been the situation of this country, had an Act of Parliament not been passed, making it penal to circulate guineas at more than 21*s*. Thus, the very foundation upon which an equitable adjustment could be effected, was wanting in this country. An equitable adjustment could not therefore be accomplished, compatibly with strict justice; but, at the same time, it appeared perfectly obvious, looking at all that had occurred since 1822—after suffering the greatest distress—bearing in mind what took place when the law for altering the currency came into operation —and that, reckless of the consequences, we still continued this measure; looking at all these things, it was obvious to him that there was but one of two ways for us to adopt—either to try what was termed an Equitable Adjustment, or again to effect an alteration of the Currency. His noble friend did not seem alarmed at the decrease of the Revenue; he drew a flattering picture of our resources, but his expectations were wholly fallacious. With regard to the reduction of the Assessed Taxes, he believed that in the parish of St. George, Hanover-square, a considerable diminution had taken place. The noble Duke had done him the justice to say, that he was not one of those who recommended a public bankruptcy; at the same time he must state that he concurred with the noble Earl who presented the petition from Northumberland, in the opinion that the country could not go on as at present. The course which he would recommend to his Majesty's Ministers would be, to retrace their steps, and to place the Government in that situation which would enable it to lighten the burthens of the public Debt. In conclusion, he begged to apologise for having so long detained their Lordships; he did not intend to do so, but the subject was one in which he was deeply interested, and could never hear mentioned without being tempted to take part in the discussion.

Lord *Bexley* observed, that the noble Lord near him contended that the country could not go to war without a Bank Restriction so long as the war might last. Now he thought that nothing could be more impolitic than such a measure; for it would be the most effectual means of crippling the resources of the country.

Lord *Carnarvon* said, that that credit which the just confidence of mercantile men enabled them to give each other in this country, which was the surest means of keeping the capital of the country in a state of activity, would admit of a paper currency, and would give us an advantage over the nations of the continent. A paper currency however was perfectly distinct from a Bank Restriction Act, nor did the former necessarily require the latter.

Motion agreed to.

HOUSE OF COMMONS.

Thursday, May 6.

Minutes.] The House, at its rising, was adjourned till Monday. A Bill was brought in to alter and amend the Laws relative to the removal of Scotch and Irish Poor.

Returns presented. The Sums of Money paid during each of the last three years into each of the Masters of Chancery's Office, for the Sales of Estates, and the amount of Money received by them and their Clerks:—Fourth Report of the Commissioners of Metropolis Roads:—Duty paid on Boots and Shoes imported:—Number of Surcharges under the Assessed Taxes Acts:—Quantity of Butter and Cheese imported:—Of British Wool exported:—Of Corn Spirits and Rum which paid Duty:—Of Grain, Malt, and Flour exported from Ireland to England or Scotland:—Sums received from the several Stamp Duties in 1829:—Copies of Memorials submitted to the Treasury by the Corn Distillers of Ireland, Scotland, and England:—Of Communications on the subject of the Shubenacadie Canal:—Hemp, Flax, Linen, and Machinery exported:—Rum imported:—Expenditure on account of Diplomatic and Consular Establishments in the New States of South America:—Expenses incurred and Reports presented by all the Commissions of Inquiry, &c. issued in 1829.

Returns ordered. On the Motion of Sir J. Newport, the Sums of Money paid into the Exchequer during the last five years on account of the Duty on Probates of Wills, and the Legacy Duty; on account of the Duty on Newspapers and Advertisements; and on account of the Duties on Powers of Attorney. On the Motion of Lord Stanley, the number of Persons committed for Forgery during the last ten years, specifying the nature of the crime, and how the Criminal was disposed of.

Petitions presented. By Mr. Duncombe, from the Wool-manufacturers and other Inhabitants of a place in Yorkshire, against the employment of Machinery. By the same Gentleman, from the Inhabitants of Fulstone, praying that the Assizes for the West Riding of Yorkshire might be held at Wakefield:—And by Lord Milton, several Petitions with the same prayer. By Sir R. Phillips, from the Inhabitants and from the Grand Jury of Haverfordwest, against the Welsh Judicature Bill:—By Mr. Davenport, from Chester and Nantwich, to the same effect:—By Mr. Egerton, from the Justices of Peace in Cheshire:—And by Lord Belgrave, from the Burgesses of Chester, to the same effect. By Mr. P. Thomson, from the Chamber of Commerce, Manchester, in favour of a repeal of the Usury Laws. By Mr. R. Dundas, from the Lord Provost and Magistrates of Edinburgh against the Stamp Duty upon Surgeons' Diplomas. For making a New Road from Waterloo Bridge to the North Side of the Metropolis, by Mr. C. Pallmer, from the Inhabitants of St. John's, Lambeth:—And by Mr. Ward, from the Inhabitants of St. Giles's, Bloomsbury. Against any additional Duty on Spirits, by Lord J. Hay, from the Noblemen, Freeholders, &c. of Haddington:—And by Sir W. Rowley, from the Farmers frequenting Sudbury Market. For the Abolition of the Punishment of Death for Forgery, by Mr. E. D. Davenport, from Shaftesbury:—By Mr. Fane, from those of Henley-upon-Thames:—By Mr. Denison, from the Gentry and Clergy of Godalming:—By Lord Milton, from the Inhabitants of Doncaster and of Guisborough; and from a Congregation of Baptists at Hayworth. For the Abolition of Slavery, by the same Noble Lord, from Protestant Dissenters at Great Ourseburn and Green Hamerton; of Howard-street Chapel, and Lee Croft Chapel, Sheffield; of Albion Chapel, Leeds; from Idle and Eccleshall; from the Inhabitants of Burnsall; and from the Students in Acredale Independent College. In favour of the Court of Session (Scotland) Bill, by Mr. Maxwell, from the Noblemen, Freeholders, &c. of Renfrew; and from the faculty of Procurators at Paisley. Against the use of Climbing Boys, by Lord Milton, from the Corporation of Cutlers, Hallamshire; and from the Inhabitants of Sheffield. Against the Renewal of the East India Company's Charter, by Mr. Maxwell, from the Noblemen and Freeholders of Renfrew:—By Lord Viscount Milton, from the Inhabitants of Otley and of Thorne; from the Corporation of Cutlers, Hallamshire; and from the Merchants and Manufacturers of Saddleworth:—By Sir R. Ferguson, from the Burgesses of Kinghorn:—And by Sir M. S. Stewart, from the Inhabitants of Cardiff. Against the Sale of Beer Bill, by Mr. M'Kinnon, from the Publicans of Ipswich:—By Mr. P. Thomson, from the Publicans of Margate:—By Mr. E. Davenport, from the Retail Brewers of Manchester and Salford; and from those of Bury and Rochdale:—By Colonel Wilson, from the Brewers and Proprietors of Public-houses in York:—By Lord Belgrave, from the Magistrates and other Inhabitants of Chester:—By Colonel Lygon, from the Magistrates of Dudley:—By Mr. Denison, from the Vicar and Magistrates of Godalming:—By Mr. H. Batley, from the Clergy and Magistrates of Beverly:—By Mr. Dick, from the Clergy and Inhabitants of Maldon:—By Mr. Lawley, from the Inhabitants of Warwick:—By Mr. Blackburne, from the Publicans of Warrington:—By Lord Milton, from the Publicans of Wakefield:—By Sir W. Rowley, from the Publicans of Woodbridge, of Beccles, and of Lowestoft:—By Sir M. W. Ridley, from the Licensed Victuallers of Newcastle-upon-Tyne, and Gateshead:—And by Mr. F. Clinton, from the Inhabitants of East Retford. In favour of the Liability of Landlords' Bill, by Mr. W. Duncombe, from the Select Vestry of Doncaster:—By Lord Belgrave, from the Householders of Chester; and from the Guardians of the Poor of the same City:—By Lord Milton, from the Churchwardens and Overseers of Halifax:—By Sir T. Acland, from East Teignmouth; and from the Guardians of the Poor at West Teignmouth; and from the Overseers of Bishopsteignton:—And by Mr. C. Pallmer, from the Inhabitants of Camberwell and Peckham. And for the Repeal of the Malt and Beer Duties, by Mr. Fane, from the Owners and Occupiers of Land in Chipping Norton:—And by Mr. Curteis, from the Inhabitants of Battle; the Inhabitants of the Rape of Hastings; of Pease Marsh; and of Rye.

Sale of Beer Bill.] Colonel *Wilson* said, he rose to present a Petition from the

Brewers and Proprietors of Public-houses in York, in reference to the Sale of Beer Bill. The petitioners stated, that they had no objection to a free trade in Beer, in order to enable the poor man to drink it on equal terms with the rich, who had hitherto paid no duty on that article, when brewed by themselves: what they wanted was, a restriction in order to prevent it being drunk on the premises where it was sold, except in the old licensed houses, under the jurisdiction of the magistrates. If the trade were thrown open without control, tippling-houses he thought would be set up in every quarter, to the great annoyance of every respectable inhabitant in every town and village throughout the country, and which would tend only to form a rendezvous for the most idle and immoral part of the community. In fact, if the bill passed into a law without some restriction, it would convert the whole country into a mere grog-shop, to the great injury of the community at large. He hoped, therefore, that his Majesty's Government would pause, and consider of some clause of restriction to prevent this mischief, and encourage the poor man by every means to drink his beer at his own house. This was a subject which ought to be considered by his Majesty's Government, as well as by every Member of the House. He should be unworthy of a seat in it if he did not state the real facts which had come under his own knowledge, in his magisterial capacity. With respect to the old licensed houses, he considered them as vested rights, and that they ought not in justice to be interfered with, unless a fair recompense was given for the loss which would be occasioned; otherwise, he should be one of the first to reduce, rather than increase houses of that description. He did not oppose the bill on any other account than for the well-being of the lower orders; and it was the duty of his Majesty's Government, as well as of every hon. Member of the House, whenever an opportunity offered, to encourage by every means the poor man to drink his beer in the bosom of his own family, and put a stop, as much as possible, to his having an opportunity of spending his money abroad, to the injury of his family. He begged leave to state to the House what had come within his experience as a magistrate. The houses already existing were by far too many, in his opinion, without being increased; for he had too often witnessed a tradesman on a Saturday evening, enticed by the sign of the Jolly Sailor or the Flowing Cup, enter one of those houses, utterly forgetting that he had a wife and starving family at home. He was encouraged to remain until he had spent every sixpence of his week's earnings; and on Sunday evening, when all was gone, he was turned out, and might be seen wandering towards his home to his starving family, and frequently the Monday morning brought him out of a prison ashamed and ruined. He trusted, therefore, that the House would give the subject in question that consideration it so justly merited, and that his Majesty's Government would introduce a clause into the bill to remedy this great evil. If they did not introduce such a clause, it would be his duty to oppose the bill inch by inch.

Petition read, and to be printed.

STAMPS ON IRISH NEWSPAPERS.] General *Hart* presented a Petition from the Letter-press Printers of Londonderry, against the proposed increase of the Stamp Duties on Irish Newspapers. The gallant Member supported the prayer of the Petition, which he conceived well worthy of the attention of the House.

Sir *J. Brydges* also supported the prayer of the Petition. The proposed assimilation of Stamp-duties, he conceived, should be effected, not by raising the duties in Ireland, but by lowering them in England. The petitioners stated, that this proposed increase of duties would destroy the Irish press, and he believed they were correct in that statement. They also stated, that any restrictions on the press were very objectionable, but he (Sir J. Brydges) would confess, that he did not agree with them in that opinion, for he thought that at the present moment the press was a little too licentious. The petitioners, however, he was satisfied, were good and loyal subjects, and he trusted their representations would be attended to by the Chancellor of the Exchequer.

Mr. *G. Moore* gave his cordial support to the prayer of the Petition. His hon. friend, who had just sat down, had objected to the licentiousness of the press, but in his (Mr. Moore's) opinion, if the press were licentious, the press itself was, generally speaking, the best corrector of the licentiousness of the press. Several petitions were on their way for presentation to the House, similar to the present, and they should all have his most strenuous support.

Mr. *S. Rice* said, he had a Petition to present this evening, similar to the one just presented, but he would take this opportunity to express his sentiments on the subject. The proposed measure was in every respect most objectionable, and he would tell the English Members in that House, that if they supposed the measure in question would be productive of benefit to the Revenue, they were quite mistaken. So far from an increase, a diminution of revenue would follow the imposition of additional duties upon the Newspaper press of Ireland. Under the existing scale of duties, the revenue arising from the duty upon advertisements in Ireland had diminished latterly from 26,000*l.* to 14,000*l.* a year; and if this measure were carried, the press of Ireland would be altogether annihilated. But even if this measure were calculated to add to the Revenue, he should resist it, as he was opposed to all restrictions on the free circulation of opinion. An unanimous opinion prevailed amongst all the Irish Members on the subject; and though the press was the most powerful engine in controlling their actions, they were determined to resist any measure which went to impose any additional shackles upon it.

Mr. *O'Connell* supported the prayer of the Petition. The measure in question would annihilate the Irish press; and if that were the object which the Chancellor of the Exchequer had in view, he would undoubtedly succeed in accomplishing it; but if his object were an increase of the Revenue, the very contrary effect would follow this measure. An additional duty of 1*s.* on advertisements had already caused a falling-off in that branch of the Revenue, and an additional 1*s.* would destroy it altogether.

Mr. *Cutlar Fergusson*, though he had not the honour to belong to the country from which this Petition had come, felt warmly interested in the question, and he should certainly protest against the imposition of any additional tax upon Ireland. If assimilation was the object in view, there were two ways of accomplishing that—either by raising the duties in Ireland, or by lowering them in England; and he would certainly oppose the former, while he would support the latter mode of attaining that end.

Petition to be printed.

Sir *John Newport* presented a similar petition, and stated that if the duties were decreased instead of being increased, there would be an increase of Revenue, and a large increase in the number of publications. In Ireland the latter was particularly wanted, on account of the distance of the people from their Representatives, which required that they should, by the press, be able to control their conduct. He deprecated in the strongest manner the attempt to impose additional Stamp-duties on Ireland.

Mr. *George Lamb* said, he was quite confident, whether that were the object in view or not, that the additional duty would ruin the press of Ireland. If, therefore, the right hon. Gentleman should persevere in his plan, which he hoped he would not, he should oppose him to the utmost of his power, which he hoped would be done by every well-wisher to his country.

ROAD FROM WATERLOO-BRIDGE TO THE NORTH SIDE OF THE METROPOLIS.] Lord *Belgrave* said, he had a Petition to present, which he thought was entitled to the attention of the House. It was from the inhabitants of the parish of St. Paul, Covent Garden. The petitioners complained of the present very inadequate communication between the northern and southern parts of the Metropolis, which was confined to Chancery-lane, a narrow and crooked street quite unfit for a great thoroughfare; and they suggested that the opportunity which the destruction of the English Opera-house presented, should be taken to open a street opposite Waterloo-bridge, for the purpose of affording the necessary public accommodation. He trusted that the noble Lord opposite (Lord Lowther) would attend to the suggestions of the petitioners.

Mr. *Hobhouse* said, that the improvement recommended by the petitioners would be productive of great public advantage, and he trusted it would be carried into effect. He understood that applications had been made to the noble Lord opposite and to Government on the subject, and that no difficulties had been raised by them to the proposition, provided Parliament would give its sanction. There was a very natural objection in the first instance to appropriating the public money to measures of the kind, as such heavy expenses had been already incurred for other improvements; but he was sure, that if Parliament voted a sum for this purpose, the new buildings in the projected street would soon return enough to repay it.

Lord *Lowther* was not disposed to deny that great public advantage and convenience would arise from making the proposed street, and the only difficulty seemed to be as to the party who should bear the expense of the projected improvement. The funds placed at the disposal of the Commissioners of Woods and Forests were forestalled for several years, so that they could not contribute to the work. He believed that the days of prejudice had gone by, and that there was one general opinion in favour of improvements, such as were now in progress at Charing-cross. But it was to be recollected, that the improvements which had been made in Regent-street, and which were in progress at Charing-cross, were upon Crown property, and that the proposed line of street in this instance would not be upon property belonging to the Crown. The Crown property in Regent-street actually returned at present 2½ per cent, and he was sure the improvements at Charing-cross would be equally profitable to the Crown. The property here, however, did not belong to the Crown; it was not, therefore, for the department over which he presided, more than any other, to interfere with regard to the proposed improvement. There was a small portion of Crown property just contiguous to it, and he believed that some of the houses in the line of the improvement could be exchanged for it, at a cost of about 2,000*l.* Indeed, he thought that for 20,000*l.* the intended improvement could be carried as far as the Duke of Bedford's property. It lay with Parliament to decide as to the suggested measure, and whence the funds for it were to be derived.

Sir *J. Yorke* had given notice of his intention to present a Petition on this subject to-night; but as it was before the House, he might as well take that opportunity to state the opinion of the proprietors of Waterloo-bridge with respect to it. The House was aware that upwards of 1,000,000*l.* had been expended on Waterloo-bridge, for which a very trifling return indeed was now made by that property. The money bonds undoubtedly returned five per cent, but the shares did not return 1½ per cent. The original shareholders, besides, had been completely cleaned out,—to speak in the modern phraseology, they had been totally "done." If the noble Lord, therefore, expected that the proprietors of Waterloo-bridge would do any thing towards effecting this improvement, he had a very good chance of being disappointed. If Gentlemen would but enter the door of the theatre, they would see a large space, which had been occupied by buildings, burnt down, as if done by a great operation of nature for the purpose. If he wished to make Gentlemen perceive still more fully the necessity of making this great avenue to the north of London, he would take them to Waterloo-bridge, and make that structure his advocate for that purpose. The building of that Bridge had created a great rise in all the property adjacent to it. It had increased the value of the Crown property, and also that of the Duchy of Lancaster, and had raised that of the See of Canterbury from 500*l.* to 5,000*l.* a year. It had also been of great benefit to the Excise; for the stonemasons, who, during its construction, had earned 25*s.* a week, expended, to his personal knowledge, full half of it in swizzle. He would also give another reason why the House should listen favourably to the prayer of this Petition. On the 29th of June, 1815, the House resolved to address the Prince Regent, for the erection of a national monument, in honour of the officers and soldiers who had fought at the great victory of Waterloo; and on the 30th of June the Prince Regent replied to that Address, by stating, that he would give such directions as the House required. The only monument of that victory, however, which had been yet erected, was Waterloo-bridge. That circumstance ought, he thought, to weigh with the House, for the Bridge was a national monument, displaying the highest skill; and he was afraid that the victory was not likely to be commemorated by any other equally splendid monument. The public convenience would be much promoted by making the proposed new street, but the company which had erected that Bridge had no funds to execute it, nor had the Commissioners of Woods and Forests, whose funds for some time were forestalled. The expense would not exceed 120,000*l.*; and he trusted that the House would see the necessity of facilitating an opening to the north of the Metropolis, which would conduce at once to the ornament of the town, and to the health of its inhabitants.

Sir *James Graham* observed, that as the noble Lord opposite had said the funds belonging to the Woods and Forests were forestalled for some time to come, he hoped that part of them were set aside for the repayment of the 250,000*l.* which had been taken from the sum set aside by the French government for the indemnification of British claimants. Seeing the Chancellor of the Exchequer in his place, he would take that opportunity of asking him whether he was prepared to inform the House if he had formed any plan to appropriate that sum of 250,000*l.*, which had been grossly misapplied, to the claimants upon it who were yet unsatisfied?

The *Chancellor of the Exchequer* said, that he did not expect to have been questioned, upon presenting a petition relating to Waterloo-bridge, about arrangements which had sprung out of the Treaty of Paris. He would at present simply state, that he hoped in a short time to be able to submit a measure to Parliament, for the purpose of carrying into effect some such measure as his hon. friend contemplated.

Lord *Lowther* felt as strongly the necessity of repaying this sum as the hon. Baronet; and, as a proof of it, stated, that within the last few weeks they had paid on account of it a small sum into the Treasury: when circumstances permitted the whole would be paid.

The Petition to be printed.

PETITION OF THE SHIP-OWNERS OF LONDON.] Mr. Alderman *Waithman* rose, he said, to present a Petition which was very important and well deserving of the attention of the House, it being a Petition from the Ship-owners of London, very numerously signed, and by men for whose respectability he could vouch. The petitioners complained of the heavy grievance they suffered, from being obliged to enter into competition with the shipping of other countries not so heavily taxed as this country. He could not pretend to do justice to their claims by any language of his own, and he would therefore state their case to the House in their own words. The petitioners say that "They approach your hon. House, to represent that, in the general distress which affects all classes of the Empire, there exists none more intense and unmitigated than that of the Ship-owners, and to pray that the Legislature will grant them that encouragement and protection from foreign competition, the withdrawal of which, by the alteration in the Navigation and Colonial Laws, and entering into the Treaties of Reciprocity, have reduced the capital of your petitioners to nearly one-half its former value, and have reduced freights to so low a rate, as not to leave any remuneration for the capital of your petitioners, even in its diminished value" That their freights were diminished he believed other persons who pretended to know better than the Ship-owners themselves contended was not the case, but that their capital was reduced to half its value was a matter of certainty. The petitioners went on to say "That, when addressing your hon. House, they cannot but regret that the great principle so necessary and so long maintained, of giving a national protection to native industry and capital, in order to the support of the different classes of society, should ever have been surrendered to foreigners—a protection which had received the sanction of ages, as the best bulwark and security of the State, and its widely-extended colonies and commerce; and in its practical effects, had increased the wealth and prosperity of the people—and they cannot but call to mind, that when the alterations alluded to were pending, the Ship-owners submitted to the Legislature and the Government, in the most constitutional mode, their firm and decided conviction, that if those alterations were persisted in, the consequences would not only prove highly injurious and ruinous to the commercial marine, but eventually destroy the means on which the naval ascendancy of the country rested." This was a statement, he begged to say, of great importance, because it shewed the House that those alterations had been made against the wishes, as they had since turned out to be against the interests, of the petitioners. They had foretold the consequences which had now overtaken them, giving a warrant for the accuracy of their judgment, and throwing censure on those who had repeatedly refused them the inquiry and redress they had demanded. That might satisfy the House of the propriety of attending to the suggestions of practical men. The petitioners further state, "That so much cheaper are foreign shipping navigated, that the Alien duties, even when imposed on cargoes imported in foreign bottoms, were never equal to the higher expenses incurred in navigating British ships, so that foreign ships had always an advantage over the British; but when the miscalled Treaties of Reciprocity were brought into operation, the duties so collected no longer found their way into the Exchequer, as the national check upon foreign competition, but were left in the pockets of foreigners, to act, and is now acting, as a bounty against the British. That your petitioners had conceived, before these alterations were inflicted upon them, that it was morally impossible that illusion and theory could triumph over practical testimony, when borne out by long experience, in the soundness of the laws regulating the foreign trade of the country, and had persuaded themselves that a sense of justice must continue to them a protection, so long as restrictions were imposed to build, equip, victual, and man their ships in England, thereby forcing them to purchase all materials, and employ the native labour of this highly-taxed kingdom; although your petitioners are perfectly satisfied that the restrictions imposed are for the wisest purposes, and that common prudence ought to forbid the abrogation of those restrictions." The House had heard much of sound principles, but he was sure that it was not consistent with justice to compel the British Ship-owner to man and victual his vessel in England, and at the same time allow the foreigner to compete with him. If the House were determined to act on theoretical principles, they ought to be carried throughout, and the Ship-owner ought to be allowed to build, repair, victual and man his ship in the cheapest market. That would be extending to him the benefits of that Free Trade of which he now knew nothing but the disadvantages. The petitioners however said, "That while they admitted in principle the propriety of the restrictions compelling them to employ the labour of their own country, they cannot but feel acutely the injustice of exposing them unprotected to a competition at once ruinous in its present results, and hopeless as to future prospects. Your petitioners, therefore, in justice to themselves, claim what all other classes actually enjoy—they claim an equal measure of the protection which is given to all other classes of the community, as it is quite evident no protection is now extended to them, the unmitigated severity of Free Trade having been placed in operation on the Ship-owners alone, and the consequences to your petitioners have been a ruinous sacrifice of their property. And your petitioners will have much reason to complain if they are to continue the single exception to the general rule of a protective system, their claim being equal to others; but, if the time has arrived to break down the system of protection, then let common justice be administered to all classes. Your petitioners are aware that the coasting and the direct colonial trades are still reserved, but from this reserve British shipping derives no support as regards remuneration, as the foreign tonnage, admitted into the freight market, levels all freights to the same standard of depression; and so eager were Ship-owners to escape from the evils of the Reciprocity System in the European trades, that the Indian and all other seas have been crowded with British vessels in search of employment, and the same ruinous consequences have followed to the most distant parts of the globe." He was not surprised at this result, the Ship-owners, when driven out of one employment, sought another, and undertook voyages that turned out to be ruinous. To say that they did not undertake these voyages without making a profit by them would be incorrect; and the House could no more judge of the profit of the Ship-owners by the number of voyages they made than it could tell what were the profits of coach-masters by counting the number of stage-coaches, or the number of passengers. The petitioners further say "That they are prepared to prove, that all the consequences predicted from such a system have been fully realized; that such sacrifices have been made as no set of men ever before either made, or were called upon to submit to—that of competing, unprotected by duties on foreigners, who can navigate at so much less expense. And that this competition has ruined great numbers of Ship-owners, and will eventually involve in ruin all those who are so unfortunately situated as to be compelled to carry on so unequal a competition; and without carrying on that competition their ships must be laid up to rot. That your petitioners are sorry to observe, that whenever they crave a consideration into the very peculiar situation in which they are placed, the amount of the shipping tonnage is held out as a sufficient answer to their claim; but your petitioners submit, that whether the amount of tonnage be great or small, it cannot alter their right to have the common protection of the realm. Your Petitioners know that the repeal of the Combination Laws induced Ship-owners and ship-builders to take apprentices, and that this, with the great excitement held out to those who were credulous enough to believe the miscalled Reciprocity System an improvement, had the effect of keeping up the tonnage against the natural depression caused by foreign competition; but those impressions have now given way, and the Ship-builders have suffered with the Ship-owners; for, notwithstanding the increased population, and the consequent demand for colonial and foreign produce, the amount of tonnage is decreasing, the stimulus of remuneration is taken away, and few or none will be found embarking on so hazardous a profession without that stimulus. That the decrease on tonnage, while the population and consumption are on the increase, is perhaps the strongest proof that can be adduced of the depression of the Shipping Interest, particularly when the interest on money is so low, that if any return was to be had, capital would be employed in keeping up tonnage. Your petitioners therefore earnestly pray, that your honourable House will immediately take into your consideration the depressed state of British Shipping, and afford them encouragement and protection." There was ample proof, he thought, of the sufferings of the petitioners. They must be supposed to know their own case better than any other class of persons. They shewed that their shipping was not employed, but if it were all employed, it was shown that the quantity had diminished. But he could prove by the returns laid before Parliament, that the employment of British Shipping had decreased, while that of Foreign Shipping had increased. Thus he held in his hand a return of the number of Ships that passed the Sound in 1827, 1828, and 1829, and from that he found that the numbers were as follow:—

	British Ships.	Decrease.	Foreign Ships.	Increase.
1827..	5,099		6,901	
1828..	4,426	673	8,821	1,920
1829..	4,790	309	8,676	1,775
	Total Decrease	982	Total Increase.	3,695
Average Decrease of last two years compared with 1827....		491	Average Increase of two years	1,847

This return proved then that the decrease of British Ships in two years was 982, while there was an increase in the number of foreign ships of no less than 3,695. He held other returns in his hand relative to the number of vessels built and registered within the last four years, which confirmed the fact of the decay of the British shipping interest. The number of Vessels built and registered in the last four years was,—

	Vessels.	Tons.	Decrease in Ships.	Decrease in Tons.
1826	1,719	207,088		
1827	1,440	163,946	279	43,142
1828	1,135	128,752	584	78,336
1829	1,005	110,681	644	96,407
Shewing a Total Decrease in Ships and Tonnage since 1826.			1,507	217,885

Here then was a gradual falling-off through three successive years of the number and tonnage of our ships, and if that were not a proof of decay, he did not know what would be so considered. But other proofs could be brought of the sufferings of the shipping interest. Last year the quantity of Corn imported was 3,500,000 quarters, and it was asserted, that if we took corn and other things from foreigners, they must take our goods in return. Was that however, the fact? He held in his hand an account of the Cotton Goods exported, which would shew that our exportations had not increased in value in proportion to the quantity. The Parliamentary Return of Cotton Goods exported in 1815, and to 1830, was this,—

	Official value.	Real value.	Excess.	
Jan. 5, 1815	17,655,378	20,033,132	2,377,754	Real Excess
Ditto 1830	37,269,395	17,394,584	19,874,811	Official Ditto.
Total depression in value since 1815, considerably more than cent per cent.		£23,252,565		

The depression in value in the last year only, was about three millions and a half, or about 17½ per cent.

Much had been said, from the very beginning of the Session, of the increase in our exports; but this shewed, as he had long ago stated, that though the quantity had increased, the value in proportion to the quantity had decreased, and that we were actually working at a cheap rate for foreigners, who were working at a dear rate for us; in fact, we had given away 80,000,000 yards of Cotton, for which we had not received one shilling, and that accounted for the immense quantity made, which had lately been quoted as a proof of our prosperity. He knew that some persons contended that the more we sent out, and the less we got for it, the more prosperous was the country: but those persons were unacquainted with business, and no trade could be profitable which did not bring back at least as much value as it took away. There was a better criterion, however, of the comforts of the people than the exports and imports, and that was the consumption, as shewed by the Revenue. Now notwithstanding the sum of 1,700,000*l* was received last year for the duty on corn imported, the revenue had fallen off at least 2,000,000*l*., shewing a decrease in consumption, and a great degree of suffering on the part of the people. Thus, as compared with 1826, the consumption of Candles was less than at that time, by two million pounds; of Beer, 766,000 barrels; of Soap, five millions of pounds; of Starch, one million and a half pounds; of Leather, two millions of pounds; of Paper, five million pounds; and ten million yards of Printed Goods. He would not go further into the items at present, but would merely state, that the consumption of other things had diminished in the same proportion, and that the Ship-owners, who had suffered with the rest of the inhabitants of the country, had besides especial and urgent reasons for complaint. The Navigation-laws, as the petitioners stated, were formerly the bulwark of the kingdom, the great means by which safety was obtained and prosperity secured; and he therefore, though not himself a Ship-owner, could have no doubt that the Shipping-interest of the country ought to be upheld beyond every other interest. The Navigation-laws, however, which were in an especial manner the bulwark of that interest, had been materially changed, against the evidence of the parties who had most experience on the subject. The House of Commons appointed a committee, several years ago, to inquire into the Navigation-laws, in consequence of a petition then presented to it by some speculative merchants on which the House legislated, though it had never given any relief to the interests it had injured by so acting. That petition stated, that "Trade if carried on free from restrictions, would be, as it ought, an interchange of commodities between all the nations of the earth, who would supply each other's wants like brethren." That was very fine, and it had formed the basis of several fine speeches, but it had plunged the country into distress. The petitioners he had just referred to said, that "the presumption was, that the distress was aggravated by the restrictive system then in force:" that restrictive system had however been done away, and the distress was augmented ten-fold. The Ship-owners protested at the time against their interest being sacrificed to speculation and theory; but they protested in vain, and their interests were sacrificed. What they then predicted had come to pass, and they had a right to claim something at the hands of those who had caused their distress. Even the committee which made a report in 1820 or 1821, in consequence of the petition he had alluded to, said that "that at once to abandon the prohibitory system would be of all things the most visionary and dangerous." That was his opinion also, but notwithstanding the opinion of the committee, the House had acted on a principle directly the reverse. The reasons given by the committee for its opinion were as satisfactory as the conclusion. The committee stated "that the prohibitory system had long subsisted as the law, not only of England, but of every State in Europe; and that therefore a sudden departure from it was forbidden by every principle of prudence, safety and justice." The course thus forbidden, however, was the very course which had been adopted, and it had been followed up by measures, which had struck at the root of our naval prosperity, and our mercantile greatness. The committee positively declared that it had no such object in contemplation, but such had however been the result of the Acts of the Legislature. When facts were stated to shew that the Ship-owners were in distress—when that distress could be traced so clearly up to its cause would any person still be found to attempt to shew, by some official documents, that there was no such thing as distress amongst them, and that they did not know what they were complaining of. Persons once embarked in trade must go on; they were like drowning persons, when that trade was going to decay they caught at straws; one month's sunshine elated the hearts of the manufacturers, they eagerly set to work, they multiplied employment, and then the country heard many times repeated of its great prosperity, and of its cheering prospects. If sending out goods, and bringing none back, was a cheering prospect, certainly we had many such prospects. The difference between the official and the real value of all our exports, during the last year, was not less than 50,000,000*l.*, shewing that all other nations were getting our goods at a cheap rate without giving us an equivalent in return for them. Could the House believe that the distress was caused by machinery, by the peace, or by any other of the causes usually assigned for it? We had no new machinery of any consequence for the last three years; but still commodities had fallen greatly in value. It was said, indeed, that we should not continue to export if we did not import in return; that might be true, but we were exporting two or three for one that we imported, shewing that all the advantages of our machinery and skill belonged to the foreigner, whom we allowed to come into competition with our highly-taxed people. If we formerly gave fifty bales of goods for 100 hogsheads of wine, and if we were now obliged to give 150 bales, the trade was a losing one to us, and only advantageous to the persons who now received 150 bales of goods for the wine that was formerly worth only fifty. By such an extravagant exchange, capital was annihilated, families were ruined, and our Bankrupt list swelled in a few years, from containing 4,000 to containing 18,000 names in the course of one year. If the wealth of a country consisted in the comforts of its inhabitants, the bulky lists of exports, quoted by hon. Members could only be compared, not to the growth of health and strength, but to the bloated and florid appearance of the body which was a symptom not of health but of disease. A great deal was said also of the increased quantity of the raw material used in our manufactures; but what was the good of working up more, and getting less for our labour? Was the evil lessened by giving a large quantity of the raw material, as well as the labour employed to work it up, for nothing? Some relief, it was said, was to be given by the reduction of taxes, but the greatest amount of relief contemplated, by abolishing the taxes on Beer and Leather, did not amount to more than 3*d.* a week to each person of the labouring classes. In fact, a reduction of taxation could not remove, though it might slightly relieve distress; but it was a miserable delusion to hold out to the country that the evils it suffered would be remedied by the Beer Bill. In conclusion, the hon. Alderman said, that he felt highly honoured, by having had this Petition intrusted to him, although he was not engaged in any trade connected with the Shipping-interest. Most of the individuals whose names were subscribed to the Petition he knew to be most respectable men; and it was some consolation to him also, to know, however unfavourably the principles he had advocated had been received in that House, that these respectable petitioners, who understood the state of trade, conceived them to be correct, and that he was indebted to the favourable opinion they entertained of his exertions for the honour of having their Petition intrusted to his care. He moved that the Petition be brought up.

Mr. *Sadler* supported the Petition, and bore testimony to the sufferings of the Ship-owners. The Ship-owners, Ship-builders, and others interested in this important branch of our national industry, had frequently approached the House with petitions for redress, as at present did the Ship-owners of the greatest mercantile port of the world. They were not like other bodies of men, who came forward to complain of the course adopted by the Legislature, without themselves pointing out any different course. The Ship-owners had most clearly and distinctly stated what was the course which they thought the Government ought to pursue, and their recommendation was fully deserving of attention. It was almost an insult to talk to British Ship-owners of the benefits of Free Trade. It was impossible that this country could go on under a system of Free Trade, while it was oppressed with burthens much greater than were felt by any of the nations on the Continent. He did not mean to deny that the amount of British tonnage had increased within the last three years—he admitted that to be fact—for the English merchants had done all that English skill, industry, perseverance, and activity could effect, but still they were unable to carry on a competition with foreign nations with any hope of success. He should make no apology for trespassing on the patience of the House while he stated a few prominent facts, prefacing them by the observation, that he had not entire confidence in the documents on the Table in the shape of Returns. The hon. member for Worcester, on a former occasion, had stated the depreciation and diminution in the ship-building interest of this country at thirty per cent; but on a close investigation of the subject he had found, that since the year 1828, there had been a diminution of shipping to the amount of thirty-five per cent; and taking various contingent points into consideration, the reduction was not less than fifty per cent, as compared with former years. If he looked to the registered vessels in 1830, as compared with the registered vessels in 1828, he found a great declension, both in the number of vessels registered, and in the amount of their tonnage. This was the case, notwithstanding the increase of population which was going on all the while. If he saw that England was nevertheless maintaining her station among the nations of the world, he might be able to fortify his mind against this condition of her shipping interest. If it were seen that the internal navigation of the country had been augmented to the extent stated, he wished to know why her external navigation had not in some degree participated in the advantage? He knew that there had been an increase of British shipping, since 1828, of 1½ per cent inwards, and of two per cent outwards, in tonnage. But what, he asked, was the increase of tonnage amongst the foreign shipping? In 1828, the tonnage of the foreign vessels entered here amounted to 634,620 tons; in 1830, the amount had advanced to 710,303 tons; being an increase of twenty per cent. Where, then, was the boasted advantage of this same principle, which had increased the foreign shipping arriving in the ports of this kingdom twenty per cent in the course of a single year. He begged to direct attention strongly to this great fact, and this he would add, that the man who treated it with indifference was no true Briton. He looked back to the times when the greatest Minister this or any other country had ever produced, had promoted the general prosperity, by consulting the benefit of particular interests; under him the Shipping-interest had flourished beyond example, and he never dreamt of repealing the Navigation Act, which was justly considered the *Magna Charta* of the shipping interest, and which even Adam Smith himself pronounced a stupendous effort of human wisdom. Of late years it had been torn to atoms, with as little respect as he felt for an old ballad. What term was applied to any man who ventured to speak in behalf of the industrious poor—the labouring classes? He was called a declaimer. If this were to be a declaimer, he avowed himself one; but he declaimed not in empty words, but in convincing figures—figures declaimed for him; he showed an increase of only between two and three per cent in the commercial shipping of this country, and an increase of twenty per cent in the foreign shipping arriving in our ports. This statement left no room for declamation, in the ordinary sense of the word. What were called most triumphant answers had been often given when Distress became the subject of debate, and over and over again it had been asserted, that the nation was enjoying the most unexampled prosperity; it was like insulting a man who was suffering under a powerful and consuming disorder by telling him that he had nothing the matter with him. Sometimes it was admitted that partial distress prevailed, but then it was charged upon too great activity and over-production in a particular interest; and latterly it had been urged that the population of the country was too great. For this the remedy was said to be the exportation of the people; it was the favourite principle of the new scheme of political economy, that the population was redundant, and that the redundancy was to be corrected by sending the industrious peasantry from their homes to a distant colony. Proofs of the working of the new principle were beginning to accumulate, and its ill effects were visible in every branch of trade. A year ago they were told, for example, of the prosperity and activity that prevailed in the silk-manufacture. But what was the fact? In the year ending the 5th of April, 1828, 4,828,000lb. of raw silk were imported; in the year ending the 5th of April, 1829, 4,133,006lb. were imported; but in the year ending the 5th of April, 1830, the importation had fallen to 2,899,092lb. Let this fact be heard, and let it be treasured up in their minds, as a proof of the little dependence that was to be placed on statements hastily and inconsiderately made. It would be endless were he to go into detail of proofs of distress in particular parts of the kingdom; he would only refer very briefly to the condition of the shipping interest of Whitby. Formerly there were eight large ship-building establishments there, employing 1,000 hands and feeding 4,000 souls. Three of these ship-building establishments no longer existed: it was found not worth while to carry them on; and he was assured that two others were on the point of declining business. The people there had done all they could, to compete with foreigners, but it was found impossible: the materials they used were too heavily taxed, and they were called on to contribute too largely to the expenses of Government. He did not mean to bring any accusation against Ministers upon this score; but he must say, that high salaries could not be maintained in conjunction with low prices. No demonstration could be clearer than that, if the value of labour were deteriorated, the public establishments could not be kept up at their present scale. Good God! in what a position was this country, at the present moment, placed? Was its mercantile marine, at last, put upon its defence? Was that interest which, in our wholesome days, had been favoured and fostered, now compelled to plead for its existence? It had flourished under the old system, until it had placed in the hands of Great Britain the sceptre of the world. To our mercantile shipping was owing the glory of our military marine. Surely, then, it deserved some little regard—some slight protection—some monopoly he would call it—hateful as the word might be in these days of new light and strange principles. Once desert the commercial marine of Great Britain, and she must for ever lose her rank among nations, and stand degraded to all posterity. If the worthy Alderman would move that the Petition he had brought up be referred to a Select Committee, he (Mr. Sadler) would gladly support him.

Mr. *Liddell* remarked, that if Members did not take advantage of the opportunity of speaking when petitions were presented, they would have to wait long before they had an opportunity of expressing their opinions. He should, therefore, state his conviction that extension of trade was the only mode by which relief could now be given to the shipping interest in its present depression. He earnestly hoped that the intercourse with the East Indies would be thrown open. Then means might be adopted of restoring the prosperity of other branches so as to render emigration needless, which only weakened our own country, while it strengthened the United States. He trusted, before this discussion terminated, that Ministers would say something to afford hope, if not consolation, to the ruined shipping interest.

Mr. *Rumbold* believed that the shipping interest looked entirely for relief to the reduction of taxes, and the removal of East India monopoly. He hoped that, in the next year, Government would be able to give them some relief with respect to the first point.

Mr. *Stewart* said, he should have great pleasure in supporting the Petition which had just been presented by the hon. Alderman opposite. He did not feel himself competent to enter so minutely into the subject as he had done, nor indeed would it be necessary for him to do so, as it was impossible to transact business, or hold communication with respectable ship-owners, or to look at the state of the shipping now lying in the river Thames, without being convinced that the shipping interests of the country were reduced to the lowest possible ebb, and although the more opulent ship-owners might still for a time be able to struggle on, the poorer class must, he feared, at no very distant period, be reduced to utter ruin, unless some favourable change speedily took place. In corroboration of what was stated by the hon. Member opposite, as to the state of the building establishments at Whitby, he would beg to read a short extract of a letter from that place to a most respectable ship-owner in the city of London, from whom he received it a few days ago. It was written the middle of last month, and was as follows:—"There are four new ships lying here without purchasers; four out of seven of the extensive ship-building establishments are laid down; a vessel has sailed with part of our population for America, and another goes in May." This, he had reason to believe, applied to most of the ship-building establishments in the kingdom. What might be the best remedy for this state of things, he certainly felt diffident in suggesting, but he entertained strong doubts as to the expediency of the reciprocity system now in force; indeed, he doubted much if there could be any fair reciprocity between a country overwhelmed with debt and taxation and other independent states whose burthens were comparatively light and trifling. At all events, it seemed certain, that under the present system, the British ship-owner was unable to enter into successful competition with the foreigner; nor could he ever do so whilst the cost of building, manning, and equipping ships in foreign states was not one-half so much as in this country, unless the legislature were so far to retrace its steps, as to import every article for home consumption in ships bearing the British flag, and let foreign nations, of course, adopt the same plan with regard to their shipping. He confessed he should be well pleased if a committee were appointed to inquire into the subject matter of this petition, for there could be nothing more important, or more entitled to the consideration of Government, than the shipping interests of the country. At present he believed the ship-owner had only a choice of evils —either to lay up his ship, which necessarily caused great deterioration of the property, or to let her on freight, at a rate which must subject him to considerable loss.

Mr. *Sykes* rose, to confirm the statement as to the depressed condition of the shipping interest. He felt bound, therefore, to support the prayer of the Petition which had been presented by the worthy Alderman. But although he entirely agreed in the worthy Alderman's conclusions, he by no means agreed in the argument by which the worthy Alderman had arrived at them. With respect to the various commercial treaties to which the worthy Alderman had alluded, as several of them had some years to run, this was not the time to press the consideration of that subject. Without entering into any discussion of the question at the present moment, he would simply say, that he had made up his mind that the reciprocity system was a sound and wholesome system. He was satisfied that, with reference to the commerce of other countries, we must be either in a state of reciprocity or in a state of retaliation; and that if we were in a state of retaliation, the shipping of this country would soon be reduced to our coasting and to our colonial trade. Now, would the worthy Alderman wish it to be so limited? Yet that, he was satisfied, would be the inevitable consequence of our changing our present system of reciprocity for a system of retaliation. The shipping interest, however, was always entitled to the greatest attention, and never more so than in its present condition; and he should be most happy to hear that it was the intention of his Majesty's Government to consent to an inquiry into the subject.

Mr. *Herries* said, that he was glad he had not risen before the hon. member for Hull, because the observations of that hon. Member would relieve him from saying anything on one part of the argument that had been used by the hon. Alderman and the hon. member for Newark. In the situation, however, in which he was placed, he felt that he should not do his duty, and that he should be deficient in proper respect to the hon. Alderman, who, after so many postponements, had gone at such great length into this very important subject, were he entirely to abstain from making any observations upon it. Into the wide field of our general commercial policy he would, however, by no means enter. The hon. member for Newark had frankly allowed that opinions were by no means unanimous on the subject, If the hon. Alderman had been equally diligent in his inquiries, he would have found that the same was the case with respect to his constituents. He (Mr. Herries) had been informed, that many of the hon. Alderman's constituents had declined signing the Petition, because they could not concur in the opinions which it contained. Among the topics to which the hon. member for Newark adverted, he was very much astonished to hear the article of timber mentioned. The very name called up the recollection of the particular duties levied on that article with a view solely to give employment to our shipping; and yet that was one of the articles on which the hon. member for Newark had rested his argument against Free-trade. He was at a loss to know whether the hon. member for Newark gave credit to the public accounts or not; as he sometimes appeared to doubt them, and sometimes founded his argument upon them. He, however, was quite prepared to vindicate those accounts. He believed them to be honest, faithful, and accurate. The hon. member for Newark had compared two years without reference to any antecedent period. It would have been more fair had he taken a series of years, some before and some after that change in our commercial policy which he supposed to be the cause of great commercial evil. To set this matter right he would go further back, and show the comparative activity of our shipping at different periods. He would go back to the period of three years before the peace; and he would state the average amount of our shipping during periods of three years from that time down to the present. As the simplest mode of doing this, he would state the shipping which had entered inwards; and he would take the amount of tonnage as the only criterion. The average annual amount of tonnage of British shipping entered inwards in the various ports of the United Kingdom for the three years ending in 1814, was 1,290,000 tons; the average amount of the three years ending 1817 was 1,470,000 tons; the average amount of the three years ending 1820 was 1,787,860 tons. To the average of the next three years he begged to call the particular attention of the House, because they preceded the alteration in our commercial policy, to which the hon. Member had alluded. The average annual amount of British shipping entered inwards during the years 1821, 1822, and 1823, was 1,668,100 tons. The next period was that during which the change in our commercial policy was beginning to take place. The average annual amount of British shipping entered inwards during the years 1824, 1825, and 1826, was 1,964,182 tons; being a considerable increase over the last period. But what was the average amount during the last three years, when the new system of commercial policy was in full operation? No less than 2,121,930 tons. As a proof that it was still increasing, the amount in the last year, 1829, was much the largest of the three years. It was the largest ever known. There had never been anything like it in the history of the activity of British shipping, either since the peace or before it. Nothing that had taken place in the course of the war could be compared to it. In order to satisfy the House on this point, he would state what had been the highest average of a period of three years in the course of the late war, and thus show that there had been a constant and regular increase. He repeated that he would not now enter into the wisdom of the policy which we had adopted; but he would show that the inference which the hon. member for Newark had endeavoured to draw from the public accounts on this subject had entirely failed. The highest average of British shipping entered inwards during three years of the war was during the years 1810, 1811, and 1812; and it amounted only to 1,570,498 tons. The average amount during the last three years he had already stated was 2,121, 930 tons, being an increase over the highest average previous to the adoption of the present system, of 551,432 tons, or one-third. Thus it appeared that there had been a constant increase of British tonnage entering our ports subsequently to the adoption of a system which it was now said was the cause of decay and embarrassment to our shipping interests. He was not going to enter at large into the consideration of the new commercial policy, for it was not the time to do so, he was merely answering, upon the authority of public accounts, a few of the objections of those who said that it had failed; and it would be admitted that he had satisfactorily shown, that since the adoption of the present system, British ship-owners had greatly increased in activity. With respect to foreign shipping, the opponents of our commercial policy assumed that it had been favoured to the direct injury of the home interest: the inference was, that its activity and amount must have been increased. But what was the fact? The average of foreign tonnage entering British ports during the three years of the war when the amount was highest, was 793,000 tons, whereas in the last three years it only reached 698,000 tons. Thus there was a diminution of 100,000 tons in the annual average of foreign shipping, while we had an increase of 550,000 tons in that of British shipping entered inwards in the last three years, as compared with the three years previous to the adoption of the present system, when the amount of tonnage inwards (British and foreign) was highest. To exhibit the progress of foreign shipping in the three years preceding the alteration in our system, during the alteration, and in the three years ensuing, he would state, that in 1821, 1822, and 1823, the average of foreign tonnage entered inwards, in our ports, was 482,000 tons: in the next three years there was a great increase, and the average amounted to 803,899 tons; but during the last three years (the new system having come into full operation) the average fell to 698,900 tons. So that while British tonnage had greatly increased, the amount of foreign tonnage had decreased. How were these facts, plainly stated and (he pledged himself) faithfully extracted from official tables, reconcilable with the complaints now made? Our coasting trade exhibited the same activity as our foreign trade; there had been a great increase generally from 1823 up to the present period. In 1823 the amount of tonnage was 7,899,000; in 1824, 8,101,000; in 1825, 8,300,000; in 1826, 8,316,000; in 1827, 8,611,000; in 1828, 8,700,000; and in 1829, 8,932,000 tons. But in order to show more strikingly the effects of the policy to which so much evil was attributed, the House ought to examine the progress of other nations over whom our treaties of reciprocity were supposed to have the greatest effect. Our trade was divided in the Finance accounts into commerce with the North of Europe, with the South of Europe, with the United States of America, British Colonies, and with foreign Colonies. He would first take commerce with the North of Europe alone, and he would state the amount of that commerce in English and in foreign shipping. It was well known that in the trade with the North of Europe our system of reciprocity had been most tried and most complained of in England. To shew its effects he would take the average of three years' trade with the North of Europe before and after the adoption of the present system, and see the result. The average annual amount during the first period, namely, 1821, 1822, and 1823, of the tonnage of British shipping entered inwards in the ports of the United Kingdom, from the various ports of the North of Europe, was 514,135 tons: the annual average amount, during the same period, of the tonnage of all foreign shipping entered inwards in the ports of the United Kingdom from the various ports of the north of Europe, was 314,969 tons. The annual average tonnage of English shipping so entered during the years 1824, 1825, and 1826, was 711,959 tons; the annual average of foreign shipping was 615,109 tons. The annual average of English shipping so entered during the years 1827, 1828, and 1829, was 839,541 tons; the annual average of foreign shipping was only 504,249 tons, showing a relative increase in British shipping more than in foreign shipping, and this on the very field of battle in which it was prognosticated that, in consequence of the change in our commercial policy, British commerce would be annihilated! Let the House examine the number of vessels that had passed the Sound in the same periods. The hon. Alderman had already referred to this, but he had for his own view wisely limited his comparison to three years, when the trade was subject to great fluctuations. It appeared that in the years 1821, 1822, and 1823, 8,854 vessels passed the Sound, of which 2,907 were British, and 5,947 foreign, of all descriptions; the British proportion being about fifty per cent of the whole. In the years 1824, 1825, and 1826, 11,581 vessels passed the Sound, of which 4,152 were British, and 7,429 foreign; the British proportion being about fifty-six per cent of the whole. In the years 1827, 1828, and 1829, 13,241 vessels passed the Sound, of which 4,722 were British, and 8,519 foreign; the British proportion being rather more than fifty-six per cent of the whole. He would pursue this subject no further, but he would strongly recommend to hon. Members the perusal of Mr. Cambreleng's admirable Report to the American Congress from the Committee on Commerce and Navigation. After describing in the most able and perspicuous manner the advantages which Great Britain had derived from the adoption of a liberal commercial policy, the Report went on to say—"These fundamental changes in her policy have regenerated the British Empire, given a wide range to her commerce, and an active impulse to her power and resources, infinitely more beneficial to that nation than any questionable honour she might have acquired in an attempt to limit the boundaries of an Empire, reaching through half the longitude of the globe, or in any alliance to perpetuate the dominion of an unenlightened and absolute government over the commerce of nations with the rich countries of the Euxine." He apologized to the Members for having thus trespassed upon their attention; but he was apprehensive that his silence might have been construed into an assent to statements the validity of which he utterly denied. He had, therefore, felt it necessary to call upon the House to weigh the proofs which he had adduced of the increasing employment and activity of our shipping with the assertions of its embarrassment and ruin. He was persuaded that the statement which he had made would indispose the House to listen in future to vague assertions hostile to our commercial policy. Whenever the proper occasion should arrive, however, he should be perfectly prepared to argue the question more fully. The hon. member for Newark had been quite erroneous in several of his statements, and in none more than in the inference which he had drawn respecting the silk-trade, from grounds from which most other persons would have drawn an opposite conclusion. The silk-trade he (Mr. Herries) was happy to say, and he spoke from the best authority, was, at the present moment, the least distressed manufacture in the country. There was greater activity in that branch of trade at the present moment than in any other. Whenever the hon. member for Newark chose to bring this question formally before the House, he (Mr. Herries) should be perfectly prepared to meet him.—He was happy, however, to learn that there was a great and rapidly increasing improvement in this important branch of our trade. This he knew from the most recent information; and it was amply confirmed by the returns now found on the Table. He begged, however, to declare, that he felt deeply for those who might be labouring under unavoidable distress in this as well as in other branches of our trade; and if any means could be suggested for their relief—if any hon. Gentleman could point out any plan through which their condition might be altered—if the labours of a committee could devise any possible remedy for the evil of which they complained, he would be one of the first to support it—if he was satisfied that it could be productive of the good which they anticipated.

Mr. *Robinson* said, the right hon. Gentleman had endeavoured to answer complaints as to the falling-off in the amount of British tonnage built and registered, by a reference to the amount of British and foreign tonnage entering inwards. This was any thing rather than a satisfactory answer. The right hon. Gentleman talked of increased activity in the shipping interests,—a fact not denied by those who supported the Petition, but arising, as the ship-owners said, from the necessity of entering more strongly into competition with foreigners. Would the right hon. Gentleman like the same argument to be adduced as a proof of the prosperity of the other interests of the Empire? Would the right hon. Gentleman, for instance, like it to be said that the agriculturists were prosperous, because they were compelled to give two or three crops in order to contend against the effect of the introduction of foreign corn? In the river Tyne, the hon. member for Northumberland well knew, that since the use of steam vessels for the purpose of assisting the navigation of the river, vessels were able to make four voyages a year, where they formerly made only three. But the question did not rest on this, nor had it been fairly argued. There could be no question that the shipping trade of the country had been most lamentably diminished. In 1826, the number of vessels employed was 24,625—the tonnage of which amounted to 2,635,644 tons. During the last year, the number of registered vessels employed was 23,453, and the tonnage 2,517,000; so that in three years there had been a falling-off of 1,172 vessels, and 118,644 tons. The petitioners complained that freights were so reduced as to deprive them of the means of deriving advantage from their capital. Something should be done to remedy the evil; if we could not depart from the system we had adopted (and perhaps we were pledged to it for some years at least), we might endeavour to reduce the price of the materials used in ship-building to a par with the prices paid for them by foreign builders, and adopt other measures to lessen the inequality that at present existed between British and foreign ship-owners, so as to enable the former to compete successfully with the latter. The right hon. Gentleman had gone into an elaborate statement of figures, but did not say one word of an intention to reduce the duties on the importation of timber. It seemed not to be considered by any one, that protection was afforded to all the other interests of the country, but none to the shipping-trade. The silk-trade was protected; the corn-trade was protected; every other interest was protected, and to none but the shipping-trade was a committee ever denied, when they demanded inquiry, and complained of the grievances under which they laboured. The right hon. Gentleman had cited the opinions expressed in the Report of Mr. Cambreleng to the American Congress; but the government of America had not yet adopted the recommendations of that Report; and when the Americans and other nations had done so, it would be time enough to augur from the consequences of that adoption, in favour of our adherence to such a system.

Mr. *Herries* was proceeding to explain the manner in which the number of British ships and the amount of tonnage was apparently reduced, by the new system of registration adopted in 1825 or 1826, when an Act was passed directing the future omission of ships that had been previously improperly registered, when

Sir *J. Newport* rose to order, and deprecated the continuance of such a discussion as this at such an hour, and brought on merely by Petition, when there was so much business appointed for the House.

Mr. Herries accordingly gave way to

Colonel *Wilson*, who rose, he said, to confirm the statements of the hon. member for Newark. He did not mean to gather stories from the moon, but to state a few plain facts, which he found in the letter of a gentleman from Hull, who had been fifty years in trade. The hon. Member accordingly read the following Letter:—

"Proceeding to reply to the subject of your letter at once, of so momentous a nature, I feel great delicacy in hazarding or shaping my answer. I shall confine myself to a brief statement of a few simple facts, that in the course of my experience have come under my own knowledge, and first:—The deplorable condition of British Shipping. I am owner of two British ships and one Foreign ship; the former, since the Reciprocity Act, I have been unable to employ without loss, the latter has invariably left me a remunerating profit. I pay wages 60*s.* per month to my British sailors, to the others 30*s.* Beef for the one 6*d.* per lb., the other is supplied abroad for 2½*d.* per lb.; sails, cordage, and building materials, in the same striking proportion: and I would here notice the duty on Dantzig oak plank, much used in building and repairing British ships, being no less than 4*l.* per load of fifty cubic feet, and the selling price to the builder here 9*l.* 10*s.* to 10*l.* per load; so that when the freight, insurance, and charges are added, it will be seen that the foreigner works his material for building at the rate of 3*l.* to 3*l.* 10*s.* per load, whilst the British ship-builder has to pay 9*l.* 10*s.* to 10*l.* per load; and although lessening the duty would create many importers, to my personal prejudice, having been for many years the only regular and constant importer of Dantzig oak plank to the port of Hull, it cannot be denied how utterly impossible it is for the British ship-builder, under such circumstances, to compete with foreigners. On the other hand I have had the melancholy conviction of witnessing, on my repeated visits to Holstein and Denmark, how decidedly the reduction of duty from 10*l.* to 10*s.* a last for Rape seed, and from 6*d.* to 1*d.* per lb. on Wool, has operated to the prejudice of the British farmers and our own revenue. Has the British manufacturer been benefitted by it? No such thing. The Danish and Holstein farmers have alone been enriched by the sacrifice; for formerly we purchased Rape seed from the foreigner at from 10*l.* to 14*l.* per last, but immediately on the alteration of the duty they increased their price to 20*l.* and 24*l.* per last, and the like proportion on Wool: and here it may not be irrelevant to remark, that I have often had the galling mortification to witness their exulting taunts, and ask if we believed them such fools as to allow the advantage to the English? As respects the relative general state of trade of our port of Hull, a considerable increase of traffic must be admitted, increased population creating the necessity of greater activity and enterprise, and a competition so extended, that I am persuaded a large proportion of our imports have been productive of loss, that capital has generally been diminished, and with it I fear the high and honourable character of the British merchant; over-trading and over-living producing a lamentable abandonment of truth. Permit me to observe, that I cannot imagine the distress of the country so thoroughly general as the great out-cry would convey. Partial distress must always prevail; and confining myself to this town and neighbourhood, I do not perceive any alarming want of employment, but a great hardship exists to various classes in the continuance of the high price of labour. Neither the wages of the cartman, the coal-carrier, the truckman, the staithman, or those of the sailor, have undergone any reduction, nor is any disposition shewn to submit to the least alteration. I have thus, in obedience to your wish, submitted a few observations for your consideration, feeling, however, and deploring, that I must fall so very far short of satisfying the object of your inquiry; but be assured, that as far as I am able, I have cheerfully observed the call."

"P.S. I will just state, in addition to the above, a conversation I happened to have the other day with a merchant of Dantzig. I observed to him the strong probability of some relief to our suffering Ship-owners, by an extensive traffic in grain, of which this country will need a large supply before the next harvest. His answer was, 'I have obtained many orders for wheat, but we charter our own Prussian ships for grain; we only take British ships for loading timber, timber-deals, staves, &c.' Now I have seen the day when British ships not only commanded the preference in all valuable cargoes, but it was a common rule to pay them 6*d.* to 1*s.* per quarter more freight than any other flag on the face of the globe could obtain, on account of the superiority of conveyance that was yielded to them. I do verily believe that we should not have lived to see and bear this mortification but for the unwise Reciprocity Act. I have mentioned the great benefit that might result by taking off the present high duty on oak-plank. It may be said the high price of plank would directly rise proportionably higher abroad: unquestionably it would do so, but it will be found to apply differently to the other articles I have enumerated, and in this way the foreign ship-builder will have to pay the advanced price of plank, and he thus loses one powerful advantage which he now enjoys over the British ship-builder. The increase of foreign tonnage is as decided as it is alarming. Looking at this overwhelming competition, the increased value of the currency, the surrounding difficulties the British Ship-owner is exposed to, when every farthing of saving becomes a serious consideration, it is perhaps a matter of surprise, that no attempt has been made to obtain a modification of the Sound-dues imposed by Denmark. We are not able to pay the same tax as we did when we stood on different ground, and would it not be fair that that power should suffer along with us?"

The hon. Member observed, in conclusion, that the writer of the letter was a very respectable man, and that he was quite ready and willing, if required, to come to the Bar and prove the facts he had stated in his letter. He trusted, therefore, that the House would allow its statements their due weight.

Mr. *Poulett Thomson* expressed his sincere regret that a subject of such immense importance, so deeply affecting one of the greatest interests of this country -the Shipping interest, should have been brought on in such a manner, and at such a time as the present. He regretted it, because he was convinced that the question, if it had been allowed a fairer and more ample discussion, would have afforded a triumph to many of those Gentlemen, who had not been, but were now, of the same opinions as himself. He regretted it too because the subject ought to be more amply discussed than it could be when there was only partial attention given to it; and he regretted it also, because it was neither fair towards the particular interests concerned, nor to the credit of their supporters; and still less was it fair towards the House, to bring such a question before it, at a time when it was not possible fully to discuss it. That the petitioners should come before this House with their petitions he was the last man in the world to complain, but he would ask those hon. Members who conceived that the views of the petitioners were correct, and their statements well founded, whether some time and some manner more fitting than the present, ought not to have been chosen for the discussion of the question. If the hon. Member who presented this Petition, which represented, as he thought, a case of very great hardship, would introduce a motion into this House for a Committee of Inquiry, or state, what is far more important, what such committee is to do, he would be acting more in consonance with the general feeling of the House, than by raising a long discussion on the presentation of a petition. If the worthy Alderman complained of the Reciprocity Bill, or wished to repeal it, or to censure the Government—if he conceived that the Shipping interests were suffering from the effects of the clauses in that bill, and if, in spite of all the statements that could be made, founded upon official documents, he would persevere in his opinion, that notwithstanding our navigation was greatly augmented, and our tonnage increased, there was still no profit for the Ship-owners—let him give the House an opportunity of fully and fairly discussing the question, by making a substantive motion, and taking the sense of the House upon it. He could not, and he regretted it after the statements which had been made, then go into the question, but he was satisfied that all the statements made by the right hon. Gentleman opposite might have been confirmed, and would have struck the House in an infinitely stronger light, if they had been put forward upon such a motion as that which he wished the worthy Alderman to introduce. But when he heard that the Ship-owners were suffering a sort of tyrannical plunder from the Reciprocity laws, he was astonished, and felt justified in calling for some facts in proof of that assertion. In his opinion, the Shipping interests were suffering from those laws not having been carried far enough. In proof of that assertion he would refer to the treaty with France, by which the interests of the Ship-owners were protected. We would not allow to the ships of France that free and equal reciprocity which the French government wished; we would not permit them, in order to protect our own Shipping interest, to bring to our ports from their colonies the produce of their Transatlantic possessions, lest we should lose the advantages of the long voyages. What, he asked, had been the consequence of that step? Before that measure took effect, we were the carriers of colonial produce for France; her ships came for it to the ports of Bristol and Liverpool, and conveyed it to the Continent; and previously to the passing of that Act there were only three ships at Bordeaux, and three at Havre, engaged in the India trade. But by our anxiety to reserve the long voyages, and our refusing them the reciprocal advantage of bringing the produce of their colonies to this country in their own ships, we had driven them to be carriers for themselves, and last year there were no less than thirty ships, large vessels, at Bordeaux, engaged in the Indian trade, and twenty-five vessels at Havre, employed in the same trade. So that by the step our Government took, and it was a sacrifice made by the right hon. member for Liverpool—most unfortunately made—to the interests he endeavoured to protect—we had lost the whole of that trade, or at least a great part of it, which we previously enjoyed. These were statements which one would like to bring forward at a more favourable opportunity than the present. The hon. member for Worcester referred to the increase of the tonnage of foreign ships, as a proof of the distressed state of our Shipping interests, and said that our ships are now obliged to go four voyages instead of two, to attain the same object. Did he forget then that in these four voyages the profit that the Ship-owner receives is derived from the employment of his ships; they must bring home double the quantity, and of course have double the employment they had before? Did he forget too the return that was made two or three years ago? Did he forget the amount of shipping registered at that period? Did he not know that there were 100,000 tons of shipping stated in the registry, long after the ships had ceased to exist and had been broken up? These facts could be proved satisfactorily to the House, if the worthy Alderman, or the hon. member for Newark, who had for the first time addressed the House on the state of the Shipping-interest, would introduce a motion on which this great question might be fully and fairly discussed; or if he did not like to pursue that course, let him take some other, but let him bring the matter fully and fairly before the House. There was another subject on which discussion would be most beneficial to the country—he meant the Silk-trade. But when the hon. member for Newark said that the Silk-trade was an unfortunate and depressed trade, he must tell him that he knew nothing about it. He must know, if he had any correct information on the subject, that within the last two or three months it had been in a state of great activity; he must know, notwithstanding the alteration of the law, that the silk manufactories were fully employed, and that silk goods in great quantities were at the present moment exported to France. He knew that 6,000*l.* worth of silk manufactured goods had been bought within the last week, for the purpose of being sent to that country; that there had been almost a battle in Spital-fields within the last two months to obtain possession of these goods; that every loom was employed, and goods could not be made fast enough to comply with the urgent and frequent demand. He might perhaps be told, that this was a mere temporary demand, and that might be true; but it was a real demand, and was a proof that the trade was not at the moment depressed. At the same time the House must know, that a great quantity of such goods would be required to supply the Spring demand. It might also be said, that a great portion of the goods sold were French; but he could state to the House, that they were sold as English goods, and that they would not have fetched the price they did if they had not been sold as English goods. He must again repeat his wish that this question should be brought forward in the shape of a motion; and he would conclude by saying, that if that were done, the statements made by the right hon. Gentleman would have a much greater effect upon the House than they had had on the present occasion. He would not any longer stop the business of the House, but would wait until he had the power of entering fully and fairly into the question.

Mr. Alderman *Waithman* said, that it was not his intention to take up any more of the time of the House, but he could not allow some of the observations that had been made, to pass without offering a reply. That this was a question of great importance he knew, and he would venture to say that there had not been a more important subject under the consideration of the House during the present Session, and he should not be deterred by the observations of any hon. Members from going into the question, if he thought it necessary, particularly when he had sat, night after night, to hear unimportant debates, until two or three o'clock in the morning. The hon. Member for Dover who had just addressed the House, had taken upon himself, as he had frequently done before, the office of lecturer, and had, in a dictatorial manner, questioned the propriety of introducing so important a subject to the notice of the House on presenting a petition, and without having given special notice; he had however given notice, but he knew of no regulation of the House which required him to abstain from the one, or to do the other. Of the lecture of the hon. Member he must say, that were he of riper years, and possessed more experience, his admonitions would have more weight, and would be of still more importance had he not been frequently rebuked for indulging in similar dictatorial lectures. The hon. Member had talked a good deal about the silk-trade, but either that hon. Member or himself knew nothing of that trade. He indeed was in daily intercourse with persons connected with that trade, he understood a little of what was going on, and he had some wish to profit, like other people, by his own industry. He did not mean to deny that there was activity in the trade at this moment, but it was to meet the Spring demand, and to comply with a change in fashion, and he could assure the House that prices and wages had been reduced one half, and that the trade had ceased to be profitable since our manufacturers were brought into competition with foreigners in our home markets. The hon. Member had told the House a great many extraordinary things about our exports, and about 6,000*l.* worth of silk having been a short time since exported to France. But he could tell the hon. Member that France had not taken 200,000*l.* worth from this country in the course of the whole year, while we had imported from France to the amount of two millions and a half: what the French took principally from us was our colonial produce, and our East India raw silk. With respect to the statements made by the right hon. Gentleman over the way (Mr. Hume), he did not mean to quarrel with the mode and manner in which they had been brought forward, but he must assert, that nothing which he had said could be construed into the least imputation upon the present Administration; that Administration had acted most fairly, and from the best of motives, and had only followed the errors of their predecessors, but when men fell into errors, and saw that they had so fallen, they ought immediately to retract them. He had told the right hon. Gentleman from the first moment that he was aware of those documents, and knew that he would advert to them; but the right hon. Genman had gone thirty years back for his facts, always forgetting that we had an increasing population; how much it had increased since 1810 he was not prepared to say, but a considerable increase had taken place. Notwithstanding these documents, he thought that his hon. friend, the member for Worcester, had satisfactorily answered the right hon. Gentleman; but when he came to the story of the registry, which, by the by, formed a fine subject of declamation for the hon. member for Dover, he entirely failed. With respect to those and other documents he must own that he was against adverting to official documents at all; they had so misled the country, that persons who were obliged to complain, because they had been aggrieved—who came and said, "We are suffering, and we want inquiry"—were always answered by "That cannot be the case, we have official documents to shew that you never were in so flourishing a condition." Now in his opinion petitioners ought not to be required to do more than state that they suffered, and it was the duty of Parliament to inquire into their complaints. It was plain to him, that the Shipping interests were in distress, and notwithstanding the declamation of the hon. member for Dover, neither he nor the right hon. Gentleman, the Chancellor of the Exchequer, had attempted to deny the existence of distress. That fact was not disputed, and though the hon. Member would have the House think otherwise; he did not say that the Ship-owners were not distressed. Only allow the hon. member for Dover an opportunity, and he would prove that there was great prosperity, and convince the House that it had only to encourage foreign competition to make the Ship-owners happy and flourishing. He thought that he had referred to better documents than the right hon. Gentleman, and he would tell the House why. The right hon. Gentleman had only given accounts of the ships entered inwards; but whether they were full or empty, whether they made profitable or ruinous voyages, he said not. With that, the right hon. Gent. had nothing to do; he gave the House the official documents to shew the number of ships entered inwards, but he passed over all the information which could satisfy the House that numbers and profit were the same thing. The right hon. Gentleman had objected to his statement, because he had taken only one or two years; but he had done so because he found that account in the papers laid before Parliament. It was, in his opinion, a most important fact, that there had been a decrease, in two years, of British ships passing through the Sound, of no less than 900. An increase, however, had taken place within the same period, in ships of foreign build, of more than 3,000. The Chancellor of the Exchequer told us to go on, and we should find that the number of British ships would increase; but in the number of ships built, a decrease, to the extent of 1,500, had also taken place within the last three years, and many ship-builders had been obliged to part with their dock-yards. When a man gave up that sort of business, it was utter destruction to him. He knew one man who spent 15,000*l.* in erecting a manufactory, and when he wanted to sell it it would not fetch 500*l.* When manufactories or ship-yards ceased to be used, they were worth little or nothing—like stage-coaches they must go on, whether they had employment or not. Having stated these facts, he would only further allude to the part taken by the hon. member for Kingston-upon-Hull, and another hon. Member; he did not recollect the place he represented, but the constituents of both these Gentlemen must think that they were "miserable comforters"—and will no doubt say to them, "Call you this backing your friends?" They had been the best friends that the right hon. Gentleman opposite had found that night. They had declared themselves friendly to the Reciprocity System, and all the hopes that they held out to their constituents was, a reduction of taxation, which, in his opinion they would not get in sufficient amount to be of any service to them. The House was told to look to some distant benefit; but if South America were to pour her treasures into our lap, we must look to another generation to enjoy them, and the present ship-owners must be ruined. To those who followed, it might be beneficial; but whatever might be the result, he would venture to say, that it would be attended with great loss to parties at present engaged in trade. All the petitioners asked for was inquiry, notwithstanding all the statements which had been made. He rejoiced that he had been selected to present the Petition; he knew that this was not the only Petition which would be presented on this subject; others would follow equally, perhaps, but certainly not more respectably signed than the one he had presented. The 200 individuals, of the first consequence in trade, on account of their respectability and property, who had signed that Petition, were ready and willing to come to the Bar of the House, and prove the great injuries they were suffering from the present system. Having said thus much, he would no longer detain the House, but conclude by thanking it for the attention it had bestowed on him.

The *Chancellor of the Exchequer* thought that no hon. Member present could doubt that the worthy Alderman and his supporters had had ample opportunity of discussing the subject, and that they had not let the opportunity escape them. He could assure the worthy Alderman that many Gentlemen who entertained views widely different from his on this subject, and who were as deeply impressed with the importance of the subject as he could possibly be, had refrained from offering themselves to the notice of the House on the present occasion, in consequence of an understood arrangement with respect to the business of the evening. He hoped that now they should be allowed to proceed to the question which regarded the Administration of Justice, and which it had been arranged should certainly be brought on this evening.

Mr. *Sadler* said, if he refrained from answering the somewhat uncourteous observations of the hon. member for Dover, it was only in obedience to the wishes of the House. He begged, however, to say that what he had remarked about the public documents was, that they were not always to be trusted. With respect to the silk manufacture, the President of the Board of Trade had stated that it was in great activity, and he had proved that by documentary evidence, though it was contradicted by complaints of the manufacturers. Notwithstanding such evidence, he could positively state, that our shipping had decreased fifteen per cent, while that of other countries had increased twenty per cent.

Mr. *Fyler* also observed, that he knew from evidence which he valued more than documentary evidence, that the silk trade was not flourishing—the exports having fallen off nearly a million sterling, and the trade being at that time condemned to make a desperate struggle in order to continue in existence.

Petition to be printed.

CONDUCT OF SIR JONAH BARRINGTON.] The Chancellor of the Exchequer moved that the Order of the Day for the House resolving itself into a Committee on matters connected with the Admiralty Court, (Ireland) be read.

Mr. *O'Connell* said, that he had been intrusted with a Petition from Sir Jonah Barrington, praying that he might be heard at the bar. That Petition containing some extraneous matter, he had thought it his duty to send it back to Sir Jonah, in order that it might be amended. He had since received a communication from Sir Jonah, stating that he was seriously indisposed; and one of Sir Jonah's family was, he believed, in attendance, to certify that fact. He thought it his duty to state these matters to the House before going into a committee on this subject.

Lord *F. L. Gower* said, that he had received a similar communication; but from the importance of the subject and the absence of the certificate of a physician, he thought it incumbent on the House not to delay going into committee. At the same time he should wish to be guided, not by his own view, but by the sense of the House.

The House went into a committee.

Lord *F. L. Gower* said, that in bringing this subject before the Committee, he should first refer them to two documents which had long been in the hands of hon. Members. Those documents contained the facts of the case, and the grounds of the proposition he was about to submit to them,—a proposition respecting the purity of the administration of justice, which, highly to the credit of the country, had hitherto been unassailed. The first of these documents was the Eighteenth Report of the Commission for Judicial Inquiry into the various Courts of Justice in Ireland, which report regarded the Admiralty Court of that country. That report of the commissioners had, upon a motion of his, been referred to a Select Committee of the House, and the report of that Committee was the second document to which he referred. He need hardly say, that the duty he had performed on this occasion was not a pleasant one: nor need he remind the Committee that, fortunately for the character of the country, he had no precedents by which he could frame his proceedings. He would begin by detailing, as briefly as he could, the facts which appeared in these documents respecting the conduct of Sir Jonah Barrington. The noble Lord then entered into a detail of the cases in which the alleged malversation took place (the leading particulars of which will be found in the subjoined Resolutions). Referring to the conduct of Mr. Pineau, the registrar of the court, who had paid the money by the order of Sir Jonah, the noble Lord observed, that though he did not see how he could rescue his character from the imputation of having assented to orders which he must have known were wrong, and which he ought, in the first instance, to have set at defiance, yet it was but justice to him to state that he had since done as much as he could to redeem his error, by making proper disclosures, and by carefully abstaining from all equivocation in giving his evidence. The noble Lord in conclusion observed, that the most unpleasant part of his duty remained—that of stating the course which he thought ought to be taken with respect to the conduct of this individual. He would read to the Committee the resolutions he meant to propose, and if they should be adopted and reported to the House, it would be for the House to take what course it should deem proper. The noble Lord then read the following Resolutions:—

"1. Resolved—That, in consequence of an Address from the House of Commons, his late Majesty was graciously pleased to issue a Commission under the Great Seal, for examining the salaries, duties, and emoluments of the several officers, clerks, and ministers of justice, within that part of the United Kingdom called Ireland, and that the commissioners so appointed have laid before Parliament eighteen several Reports, the eighteenth of which relates to the High Court of Admiralty in Ireland. That, on the faith of such reports, divers acts of the Legislature have been passed, and are now in force.

"2. That the office of Judge of the High Court of Admiralty in Ireland is an office of dignity and importance, on the impartial and uncorrupt execution of which the honour of the Crown and the protection of the rights and interests of many, both of his Majesty's subjects and of Foreigners, engaged in maritime pursuits, greatly depend.

"3. That, by Letters Patent under the Great Seal of Ireland, bearing date the twenty-third of May, 1797, Doctor Barrington, now Sir Jonah Barrington, was appointed to the said office of Judge of the High Court of Admiralty in Ireland, with power to depute and surrogate in his place one or more deputy or deputies, as often as he should think fit.

"4. That it is stated in the aforesaid eighteenth report that statements were made to the commissioners upon oath, and confirmed by documents produced to the said commissioners, by which it appeared that, in two several derelict cases, which were adjudicated in the said High Court of Admiralty, the Judge who then presided, the aforesaid Sir Jonah Barrington, had appropriated to his own use certain portions of the proceeds.

"5. That it is stated in the aforesaid eighteenth report that it appeared, from the oral and documentary evidence before the commissioners, in the first of these cases, 'the Nancy derelict,' that Sir Jonah Barrington appropriated to his own use, out of the proceeds, 482*l.* 8*s.* 8*d.* and 200*l.* making together 682*l.* 8*s.* 8*d.*, and never repaid any part of either, and that the Registrar is a loser in that cause to the amount of 546*l.* 11*s.* 4*d.*, including poundage.

"6. That it is stated in the aforesaid eighteenth report, that, in the second of those cases, that of the 'Redstrand derelict,' on the 12th of January, 1810, the sum of 200*l.* was paid by the Marshal into the registry, on account of the proceeds in this cause; and on the same day Sir Jonah Barrington, by an order in his own hand-writing, which was produced to the commissioners, directed the Registrar to lodge that sum to his (the Judge's) credit in the bank of Sir William Gleadow Newcomen, which he (the Registrar) accordingly did. That, subsequently, a Petition having been presented to the Court by Mr. Henry Pyne Masters, one of the salvagers, Sir Jonah wrote an order at the foot of it, bearing date May 29, 1810, directing the Registrar to pay to the petitioner a sum of 40*l.*; and, at the same time, he wrote a note to Mr. Masters, requesting that he would not present the order for two months, at the close of which period Sir Jonah left Ireland, and never since returned. That Mr. Masters after a considerable time (upwards of four years), finding that he could not get his money, prepared a memorial, addressed to the Lord Lieutenant, stating the circumstances, and complaining of the conduct of the Judge; and, going to the Registrar, he demanded payment of his money, otherwise he would immediately present the memorial which he held in his hand. That the Registrar, anxious, as he states, to screen the Judge, on the 8th day of July, 1814, paid Mr. Masters the money out of his own pocket, and produced to the Commissioners his receipt, and a letter of acknowledgment from Mr. Masters for his good conduct in the transaction. That under somewhat similar circumstances, the Registrar paid a further sum of 9*l.* 12*s.* 9*d.* to Mr. John Wycherly, another salvor, who came to Dublin to endeavour to get his money; so that, including his own fees in the cause, amounting to 15*l.*, and his poundage on the nett proceeds, amounting to 7*l.* 10*s.*; the Registrar states that there is actually due to him in this cause 72*l.* 2*s.* 9*d.*, and, further, that as the sum of 200*l.* was never repaid by the Judge, the loss of the balance between that sum and the sum of 72*l.* 2*s.* 9*d.* fell upon the unpaid salvagers.

"7. That it is stated, in the aforesaid eighteenth report, that Sir Jonah Barrington having represented his inability to attempt a journey to Ireland, an extract from the minutes of the proceedings of the Commissioners was transmitted to him, containing everything, at that time deposed to, by which his character might be affected. That, subsequently, sundry communications were received from him, which, with the several letters, addressed to him by the Commissioners in reply, are printed in the appendix to the aforesaid report. That assertions of general denial contained in these and subsequent letters, are the only contradiction or explanation of the foregoing facts, given by Sir Jonah to the Commissioners, which contradiction would have had much weight with the Commissioners had the alleged facts been supported only by the parole testimony of the officer who stated them, but that when the Commissioners found the hand-writing of Sir Jonah Barrington himself supporting the statement of the witness, they could not avoid giving credit to his (the witness's) evidence. That the Commissioners resumed the examination of the Registrar, and that the said Registrar, though aware that the Commissioners had been in communication with Sir Jonah Barrington, who might, if he swore falsely, have suggested means of contradicting him, persisted in his former evidence, and furnished other documents tending to confirm his testimony, which he had subsequently found.

"8. That the said eighteenth report of the Commissioners, so founded on evidence taken on oath, and on documents, together with the depositions forwarded to the Commissioners by Sir Jonah Barrington, and other papers connected with the conduct of Sir Jonah Barrington, in the discharge of his judicial functions, was, by order of the House, referred to a Select Committee, in the last Session of Parliament.

"9. That the Select Committee so appointed, did take into consideration the matters so referred to them, and that Sir Jonah Barrington, having, in a letter to the Chief Secretary of the Lord Lieutenant, expressed his wish to come over to this country to be examined, whenever a Committee should be appointed to consider the report of the Commissioners, the Committee did afford him that opportunity of meeting allegations which so seriously affected his character.

"10. That the Committee, after full investigation of the whole subject submitted to their inquiry, and after examination of witnesses, and of documentary evidence, came to a report, which has been laid on the Table of this House; from which report it appears, that on the whole, the Commission were of opinion that Sir Jonah Barrington, as Judge of the High Court of Admiralty in Ireland, did, in the years 1805 and 1806, under colour of his official authority, apply to his own use two sums, amounting to 500*l*. 9*s*. 2*d*. out of the proceeds of the derelict ship Nancy, then lodged in the hands of the Registrar of that Court; and that he did in the year 1810, in a similar manner, apply to his own use the sum of 200*l*. out of the proceeds of the Redstrand derelict.

"That it appears to this Committee that the opinion so expressed in the aforesaid report of the Select Committee, is fully warranted by the evidence, and is entitled to the concurrence of this Committee.

"That it is, therefore, the opinion of this Committee, that Sir Jonah Barrington has been guilty of serious malversation in the discharge of his office of Judge of the High Court of Admiralty, and that it is unfit and would be of bad example, that he should continue to hold the said office."

The Resolutions were then put *seriatim* from the Chair.

After the first three had been agreed to,

Mr. *D. W. Harvey* suggested, that as Sir J. Barrington had expressed an intention of presenting a petition to the House, praying to be heard by counsel against those Resolutions, which he had up to this moment been prevented from doing by illness, it might be better to have the resolutions printed, and to postpone the discussion on them for a short time to give him the opportunity he desired.

Lord *F. L. Gower* said, he could not object to the Resolutions being printed.

Mr. *C. Wynn* said, Sir Jonah Barrington had already had one opportunity of explaining his conduct. The only question was if the House would afford him another?

Lord *F. L. Gower* would beg to read a letter dated April 27, which he had written in answer to one from Sir J. Barrington, containing the wish to be examined by counsel or at the bar of the House. His Lordship's letter stated, that he had nothing to add to the announcement he had already made respecting the course he intended to pursue in his motion that stood for Thursday. He suggested, that if Sir Jonah Barrington was anxious to be heard at the bar of the House, the proper course for him to pursue would be to present a petition to that effect. He mentioned this to put the House in possession of the fact.

Mr. *O'Connell* said, he had been intrusted with a Petition from Sir Jonah Barrington upon this subject, but it contained so much extraneous matter, that he had declined presenting it, and had sent it back to have it abbreviated and revised; but this Sir Jonah was, from illness, incapable of doing. He stated this positively, having seen the certificate of the medical men in attendance. The question accordingly seemed to him to be, whether this should be considered a sufficient reason for delaying the vote upon these Resolutions?

Sir *J. Newport* said, that after the Resolutions had been passed through the Committee, and had been printed, it would be time enough to hear Sir Jonah's defence, which might be upon bringing up the Report.

The *Chancellor of the Exchequer* thought that if a proper opportunity for defence had not been afforded by the Select Committee, Sir Jonah would be entitled to any reasonable indulgence before the Resolutions were passed, but as he had already had ample opportunity, he apprehended the best course would be to let the Resolutions pass now, and when they should have been reported and printed, it would then be time to consider whether he should have any, and what further time for defence allowed.

Mr. *R. Gordon* rose to express his surprise at the easy manner in which the evidence had been suffered to pass off. He was astonished that no indignation had been expressed. He did not wish to press hard upon Sir Jonah Barrington, but he wished to call the attention of the House to the system that prevailed in Ireland, which permitted a Judge to appropriate the public money without immediate detection. Much had been said about the Judge, but he had heard nothing about Pineau, the King's evidence, who was, according to his own confession, guilty of most unjustifiable conduct. Here the hon. Member read a passage from this person's evidence, in which he stated that he had marked on an order, in large letters, 482*l.* for the service of his Majesty, meaning thereby for the use of the Judge, and that those large letters were used ironically, as it were, since there was nobody in Court who was not aware of their true meaning. He also declared that he was in the habit of keeping money of suitors in the Court, sometimes in his own house, and sometimes at his private banker's, but he never in any case lodged it as official money. Mr. Pineau, now said, this ought not to be done; but the light never broke in upon him until he had quarrelled with his superior, who gave him by no means a good character, as he declared he was a forsworn man, and not to be believed upon his oath.

Mr. *S. Rice* thought the hon. Member had generalized too much in attacking the whole judicial system of a nation on account of a particular act of delinquency. He considered the House would carry the feeling of the country much more with it by deliberating calmly, and deciding fairly, than by indulging in the exaggerations of the hon. Gentleman. He contended that the proper course to pursue was, to punish the particular offender, and not to deprive themselves of the right of so doing by arraigning the entire system.

Mr. *R. Gordon* complained of the tone assumed by the hon. Member, who seemed to think that nobody but Irish Members had a right to touch upon Irish abuses. If, however, he fancied that British Members of Parliament were to be thus put down when they rose to express their conscientious opinions, he would be much mistaken. He denied that he had been guilty of any exaggeration, having simply referred to the Report. He was sure that he had said nothing that did not deserve the support of the House, and he had trusted that that support would not be denied him.

Mr. *S. Rice* did not object to British Members interfering with Irish business, indeed he was always glad to have the assistance of Gentlemen in any discussions on Ireland who were not biassed by local prejudices. All he objected to the hon. Member was, that he drew a general conclusion from an individual instance. He did not complain of his observations as unparliamentary, but illogical.

The *Attorney General*, in reply to those Gentlemen who had complained of the Government not having proceeded earlier and more seriously with the investigation, said, that the delinquencies could not be known till they were discovered, which was at a comparatively late period. The committee which then investigated the business made a report in very just terms, and if the evidence had not been confirmed by Sir Jonah Barrington's own admissions, it would not have been strong enough to proceed on; hence it had been decided to bring the matter before Parliament. Sir Jonah Barrington had been informed of that intention, and he had ample time to have petitioned if he had chosen. He was sure that every Member would be glad if that Judge could disprove the charge. The anxiety was, that he might be acquitted, not condemned; and all the Members would be glad if Sir Jonah, by coming forward, would relieve them from their painful situation.

Lord *F. L. Gower* stated, in reply to the hon. member for Cricklade, who had accused him, as he thought, of not having indulged in declamation, that it was his imperative duty on such an occasion not to do so. If he had discovered these charges—if he had to explain them for the first time to the House, he should have thought himself bound to go more at length into the subject; but in the present case he was not justified in adding asperity to the charge. The Report from which he derived his principle knowledge of the business had been some time printed, and was in the hands of all the Members, who might, therefore, be supposed to have already formed their opinions on the conduct of Sir Jonah Barrington, The Resolutions agreed to, and the Report to be brought up on Monday next.

USURY LAWS.] Mr. Poulett Thomson moved the Order of the Day for the House to resolve itself into a Committee of the whole House on the Usury Laws.

The *Solicitor General* said a few words, which were not audible in the Gallery, but were understood to imply an assent to the Motion, not pledging himself to support the Bill.

Mr. *Gilbert J. Heathcote* declared, that it was his intention to oppose the Bill at every stage of the proceedings. The former laws, it had been said, were made by the borrowers; this Bill, it was evident, was drawn up by the lenders. Never did he see a measure that, in its enactments, carried more distinct marks of its parentage. He considered it, contrary to what the hon. Member had stated that he meant it to be, as a Bill hostile to the landed interest, and therefore he should oppose it at every stage.

The *Attorney General* supported the Bill. The old laws, he admitted, had been made by borrowers; but they were necessitous and unjust, as well as injurious borrowers. He did not agree in the opinions of his hon. friend, who had declared it to be his intention to oppose the Bill. He begged to call the attention of his hon. friend to the principles of that legislation from which the country was just emerging; and which was the delight of our ancestors, and of which the Usury Laws were parts. It was once supposed that the Legislature could regulate the price of articles; but it was now well known that prices were beyond its control. In pursuance of that principle, however, the Legislature made laws regulating the prices of many things, such as labour and bread; and the practice of making such laws was continued down to the time of Elizabeth. Then the Usury Laws were held to be sacred, like a part of religion. Then, too, laws were made regulating the price of food and other things, which, notwithstanding the terrors of the country gentlemen, the Legislature had been obliged to abandon. All laws made for such purposes were made by the buyers, and not by the sellers, as they all had for their object to keep down prices. For his own part, he saw no reason why any restriction should be laid on the use of money more than on the use of houses or land. The country gentlemen might, perhaps, object to a man using other things freely. What would they think of a law to prohibit letting land beyond a certain rate, or prohibiting them from selling corn beyond a certain price? Perhaps his hon. friend would bring in a bill for that purpose. Eating and drinking were very simple but necessary acts, and would his hon. friend bring in a bill to regulate the price of provisions? Formerly there was an assize of bread, but this was obliged to be given up. A man having a house that was worth 1,000*l.* might let it for 70*l.* a-year; but if he had 1,000*l.* in money, he must not receive for it more than 50*l.* He might lend the money, and receive 50*l.* for it; the borrower might buy a house with it, and receive 70*l.*, even 100*l.*, or any sum he could get for his house. There was neither sense nor justice. that he could see, in the distinction. A man might buy furniture to the amount of 500*l.*, and might hire that out at a profit of twenty per cent; but if he lent the same sum of money, he was only to obtain five per cent. He must say that he saw no reason for such a difference. As the law now stood, the borrower was at a great disadvantage, whether he paid in the shape of premium or annuity. If a person wished to borrow money without security, he would now have to pay from five to seven per cent more interest than if the Usury Laws were abolished. When borrowing on annuities was adopted, the borrower was always obliged to pay at the rate of twelve or fifteen per cent, at least, for the use of the money; and he believed that the annuity system had ruined more fortunes, and inflicted more misery on families than could well be conceived. There were certain parties, no doubt, in the event of the Usury Laws being repealed, that still ought to be protected—as, for instance, persons under age—so as to prevent them making away with their property before they came into the fair possession of it. In such cases, however, at present the Court of Chancery actively interfered, and no doubt the same method might still be retained, so as to afford such persons protection, as it was notorious that those who raised money on expectations always had to deal at the greatest possible disadvantage.

Mr. *Sykes* also supported the Bill, because, under the present system, it appeared to him that the whole disadvantage was on the side of the borrower —it was he that was made to pay for every thing; and the only consequence of imposing penalties on the usurious lender was to make the burthen fall still more heavily on the needy borrower.

Sir *C. Wetherell* opposed the Motion. The provision proposed by the hon. Member's Bill, by which no higher than a certain rate of interest was to be recoverable in a Court of Law, was most extraordinary. It was neither more nor less than enacting that a good, valid, and legal contract should be no better than waste paper. After having given the question much of his attention in that House, and in his private lucubrations, he had come to the conclusion, that the repeal of the Usury Laws would be attended with much mischief. As the law now stood, if money were lent to the trader, and the lender took more than his legal interest, he was, in the event of a bankruptcy, looked upon in the light of a partner, and became liable to the creditors. But the effect of the proposed alteration in the law would be to do away with this most salutary check. Then, if they looked at the landed interest, the case was no better. He believed that he was not exaggerating the fact when he stated, that half the rental of all England went to pay the mortgages that were existing on that property. What, then, would be the drag upon the landed proprietor whose estate was mortgaged, if, in the first rise in the value of money, the mortgagee was to come upon him for a higher rate of interest? The answer was obvious. He could not do otherwise than consent to any rate that was proposed, and his estate would soon become irretrievably involved. As soon as war, or any other unfortunate concurrence of circumstances, should have tended to raise the value of money in the market, he would be entirely at the mercy of the lender, and could have no alternative but that of acceding to his terms, however extortionate. The great oversight of the Bill was, that it forgot that the borrower was not, like the lender, in a state of free agency; for it was not till the debt was already contracted in some other way that he came into the market to raise money on such security as he might have to offer. But there was another point of view at which they ought to look. Suppose that the law was altered, and that an action was brought to recover on a Bill of Exchange, or on a bond, what interest would the Jury have to give? It was evident that the whole question would be unsettled, and left to chance, instead of, as now, when a legal rate of interest determined in a moment the amount to which the plaintiff was entitled. It had been said that this alteration would do away with annuities. He should be glad if it were so; but he could not see how that was to be effected by the Bill. The reason why a person resorted to borrowing on annuity was, because he was unable to give any better security. How, then, when a law was passed enabling the lender to get what he pleased for his money, would the man with a bad security be able to improve his position? The reverse appeared to him much more likely to be the case. He had read Mr. Bentham's book, and he had read the evidence that had been given before the committee; but that was not enough for him; they were nothing but dicta, and what he wanted was a little argument to support them. It was true that the rate of interest had once been higher in this country; and that it had by degrees been lowered; and it was also true, that that lowering had taken place at the instance of the borrower; but what did all that show? Why, that the borrower found himself in need of protection against the lender; and he saw nothing from preventing his situation now being just the same as it was formerly. The law allowed a legal rate of interest, and affixed a taint of impropriety upon any one who took more. The consequence was, that no conscientious man would take such interest as would subject him to that taint, and in that way the law established a moral standard of propriety. The moral effect, and the difference between a fair and extortionate loan would be destroyed by the abolition of this law. He did not wish to press the question to a vote now, but he gave notice that he should oppose the Bill in every stage.

Lord *Milton* was happy that this was not a *Parliamentum indoctum*, and that the future Parliamentary Historian would not have to say, that on that account "no good laws were passed thereat." They had the benefit of the learning and talents of lawyers, but he must say, with all due deference to the hon. and learned Member as one of that body, that his speech was rather inconsistent with common practical good sense. All the learned Gentleman's difficulties arose from his knowledge of law —from his practice of law—and from his love of law ; and throughout his speech he seemed to suppose that there was a kind of moral impossibility of repealing the Usury Laws, and thus avoiding entirely the difficulties which the present legal practice created. By the existing system a distressed landholder was injured rather than benefitted ; for, as five per cent was the legal standard of interest, and as no conscientious man would take more than that amount, it followed of course that, in a time of distress, the landed proprietor, or the extravagant heir, was thrown upon persons whom no conscientious motive restrained, and who would, as a matter of course, make the most of the advantages they possessed. In trade, too, the amount, whether small or large, was taken from the profits of the business; and whether the man who took it was, as by the present law, a partner, or a mere lender of money on interest, the amount taken from the trader was still the same. The learned Gentleman had, however, raised a moral difficulty as well as a legal difficulty to the removal of the present laws. Surely he must have remembered, that there was one country in which twelve per cent was the legal rate of interest, and it would be not a little difficult to show that the permission to take such a rate of interest made the Hindoos more immoral than other people. In fact, he was neither convinced of the immutability nor of the wisdom of those laws, and should therefore vote for the Bill which his hon. friend had introduced.

The *Solicitor General* disapproved of the Usury Laws as they now stood, and was ready to assist in altering them, but he did not think the laws ought to be entirely done away with. In the first place, he would prevent the existing penalties from attaching in *bona fide* transactions; in the next, he would diminish the amount of the penalties themselves ; and in the third he would make the legal rate of interest higher. He thought that the laws had, to a certain extent, worked beneficially, as he could assert, that though the members of his own profession had, the best knowledge of the opportunities at which they could invest capital at more than the legal interest, there was no honourable man among them who had taken advantage of the knowledge he thus possessed. Men who began to borrow continued the system throughout their lives, and many such persons, though they agreed in their distress to pay fifteen per cent interest, would rather go through all the Courts of Westminster Hall than pay it, if the market-rate was below that sum. He should wish to see the Bill in the committee, to know exactly what was intended to be done.

Lord *Althorp* expressed his intention of supporting the Motion.

Mr. *Maxwell* said, that if he agreed to the committal of the Bill, he wished to reserve to himself the right of afterwards resisting it.

On the question that the Speaker do leave the Chair, the House divided; when the numbers appeared—For the Motion 41; Against it 23—Majority 18.

HOUSE OF LORDS.

Monday, May 10.

MINUTES. Further evidence was heard on the subject of the East Retford Disfranchising Bill.

Petitions presented. By the Earl of ELDON, from the Gentry, Clergy, and Freeholders of Denbighshire, against the Welsh Judicature Bill; also a Petition from the Inhabitants of certain premises in the neighbourhood of London Bridge, complaining of the loss of business which the making of the approaches to the New London Bridge, by means of an arch, would occasion to them, and praying for compensation. By the Archbishop of YORK, from Haworth, in Yorkshire, praying for the abolition of Negro Slavery:—By Earl FITZWILLIAM, two Petitions from Protestant Dissenters at Halifax, with the same prayer. By Lord ROLLE, from Collumpton, Devon, praying for the abolition of the Punishment of Death in cases of Forgery:—By the Duke of BEAUFORT, from Gloster, with the same prayer. For opening the Trade to India, by the same noble Duke, from the Inhabitants of Renfrewshire :—And by the Marquis of LANSDOWN, from Warrington. By Lord CALTHORPE, from the Physicians, Surgeons, and Students of the Westminster Medical Society, praying for some Legislative Measure to facilitate the Study of Anatomy. By the Duke of NORFOLK, from an Inhabitant of St. James's Parish, praying for the establishment of a Deaf and Dumb Institution. By Lord KING, from Aglis, in the County Cork, praying for a Reform in the Established Church. By Lord DURHAM, from the Ship-owners and Seamen of Sunderland, complaining of Distress, and praying for an alteration of the Navigation-laws; and from the Protestant Dissenters of South Shields, praying for a general registration of Births, &c. By Lord GODERICH, from the Hop-planters of Wadhurst, Sussex, praying for a Repeal of the Hop Duties.

DUTY ON BRITISH SPIRITS.] The Duke of *Montrose* presented a Petition from the Noblemen, Gentlemen, and Freeholders of the county of Stirling, against any further increase of the Duty on Home-made Spirits, and praying that the relief which was intended for the colonial interests should be afforded in another way; namely, by a reduction of the duty on Sugar. The petitioners stated, and in that statement the noble Duke said he quite concurred, that the effect of any increase of the Duty on Home-made Spirits would be the re-establishment of that extensive system of smuggling in the Highlands which Government had formerly found it so difficult to put down. In former times, the smugglers used to proceed from the banks of Loch Lomond with their regular advanced guard and rear guard to Glasgow; and the noble Duke (Wellington), even if he should place sentries at every forty yards on the way, would find it impossible to prevent them from doing so again if the Duty on Spirits should be increased. He should be opposed to every such measure, as equally injurious to the landed interest and the morals of the people.

BREACH OF PRIVILEGE.] The Earl of *Malmesbury* moved, that Mr. Gepp, the Deputy Acting Treasurer of the county of Essex, should be called in and examined with regard to his non-compliance with the order of the House for the production of certain returns of great importance, embracing items to the amount of 1,500,000*l*. The noble Earl stated, that the Returns in question had been ordered last Session; that since that time repeated applications had been made to Mr. Gepp for their production, to which he gave no answer, and that it was only within the last week, since he had given notice of his intention to enforce the orders of the House, that they had been produced.

[Mr. Gepp was accordingly called in, and having expressed his contrition for the delay which had occurred in the production of the returns, and having explained the circumstances which had occasioned it, he was suitably reprimanded by the Lord Chancellor, and ordered to be discharged.]

TITHE COMPOSITION BILL.] The Archbishop of *Canterbury* rose to present the Bill, of which he had given notice, to facilitate the Composition of Tithes. His Grace commenced by explaining the causes which had prevented him from bringing the measure at an earlier period of the Session under the consideration of their Lordships. So much nicety and deliberation had been required in framing many of the clauses of the Bill, that he had found it impossible to select an earlier opportunity of laying it before their Lordships; and, seeing the great importance of the subject, he was quite sure that it was not necessary for him to request their Lordships' attention to it on this occasion. A great many objections had been raised to the present mode by which the incumbents of livings were supported; namely, by the system of Tithes. It was objected in the first instance, that such a system tended to destroy that harmony which should always exist between the pastor and his parishioners; and in the second place, the farmer objected to the present mode of collecting Tithes, and he (the Archbishop of Canterbury) believed with some reason too, on the ground that it prevented him from employing his capital to as much advantage as he would be enabled to do if some settled arrangement were adopted, and he was no longer left subject to the uncertainty to which he was exposed under the existing system. Many remedies had been suggested, such as the substitution for Tithes of fixed money-payments, or of a corn-rent, to all of which he objected as tending to extinguish Tithe altogether. To a Composition for Tithes, for a reasonable term of years, resulting from a voluntary agreement entered into between both parties, and binding on them respectively for the period specified, there was no objection entertained by him (the Archbishop of Canterbury), nor, he believed, by any Member of the bench on which he sat; and he believed that the clergy in general throughout the country would be satisfied with a measure of that description. The object of this Bill was to enable parties to make such a composition, and it was in a great measure founded upon an Act which was now in force in Ireland, and which, he understood, had been productive of great advantage in that country,—with such modifications only as the different situations of the two countries required. The Bill he now proposed to introduce would allow parties to enter into a composition for terms not to exceed twenty-one years, and in some cases for terms not exceeding fourteen years. Where the longer term was specified, the composition was to be regulated by the price of corn, and the average price of every seven years was to be taken as the standard for regulating the composition while it existed. In other cases, where the amount of the composition was fixed at a certain sum of money, it was to last only for a term of fourteen years. At the same time this Bill would afford means to the parties to renew the composition again, if they so thought fit, within three years of the expiration of the former composition. The composition was to be made by agreement between two commissioners,—one appointed on behalf of the clergy, and the other on behalf of the laymen. Still it was to be at the option of parties to offer a sum of money in lieu of Tithes without the intervention of commissioners; and during all the time the composition was in force, the right of the clergy to enter for Tithes was to be suspended. He had been anxious to make the Bill as simple as possible, and there was therefore one subject of great importance which he had shrunk from touching—he meant the rights of parties claiming exemptions from Tithes. On this account the machinery of the Bill was imperfect. He had also exempted from its operation those parishes in which the composition for Tithes was disputed, though he should be glad to see all compositions made on the principle of the Bill which he proposed to introduce. His object was, to benefit both the payers and receivers of Tithes, while he did justice to them both, and he should be obliged to noble Lords for any suggestion calculated to improve the operation of the measure. It was not his intention to enter at present into more particular details of the Bill, the first reading of which he concluded by proposing.

The Earl of *Eldon* said, that the measure was certainly susceptible of improvement, both with respect to the clergy and the laymen, but it was one which deserved the serious attention of the House; and he returned his thanks to the most Rev. Prelate for having introduced it.

Bill read a first time.

HOUSE OF COMMONS,

Monday, May 10.

MINUTES.] The Right Hon. M. Fitzgerald took the Oaths and his Seat as Member for Kerry; and G. G. W. Piggott, Esq. took the Oaths and his Seat as Member for St. Mawes. The Navy Pay Acts Amendment Bill was passed.

Returns ordered. Sums advanced for the Repairs and Alterations of Buckingham Palace, and Estimates of the Sums that will be required to complete it.

Petitions presented. Against the Stamp and Spirit Duties, by Mr. KNOX, from the Inhabitants of Newry:—By Colonel ARBUTHNOT, from Kincardine:—By Sir G. WARRENDER, from Haddington. Against the Punishment of Forgery by Death, by Lord STANLEY, from the Merchants, Bankers, and Manufacturers of Manchester and Salford:—By Mr. Alderman WOOD, from the Inhabitants of Gloster:—By Mr. BIRCH, from Bankers and other Inhabitants of Nottingham. The hon. Member also presented a Petition, with from 3,000 to 4,000 signatures, from Merchants, Manufacturers, and other Inhabitants of Nottingham, against the Monopoly of the East India Company. Against the Administration of Justice Bill, by Lord STANLEY, from the Solicitors of Manchester:—By Colonel TRENCH, from the Inhabitants of Cambridge, so far as it relates to prohibiting Arrests for Debts under 100*l.* Against the Sale of Beer Bill, by Mr. BRAMSTON, from the Licensed Victuallers of Chelmsford; and from James Thorn, of Colchester:—By Lord STANLEY, from the Publicans of Haslingden:—By Colonel SIBTHORP, from the Brewers of Lincoln:—By Mr. NORTON, from the Mayor and Magistrates of Guildford:—By Lord C. MANNERS, from the Inhabitants of Ely:—By Lord E. SOMERSET, from the Minister and Churchwardens of Wick Risington; from the Magistrates of the Hundred of Sleighton, Glostershire; from the Inhabitants of Cheltenham, South Cerney, Little Risington, Westcote, Wotton-under-Edge, and Wickwar:—By Mr. C. BARCLAY, from Anthony Tricker, Licensed Victualler in Glostershire:—And by Mr. WALROND, from the Clergy and other Inhabitants of Sudbury. Against the Truck System, by Lord E. SOMERSET, from Manufacturers and others engaged in the Woollen Trade, Glostershire. For extending the Trial by Jury in Scotland, by Sir G. WARRENDER, from the Merchants of Glasgow. For a reduction of Taxation, by Mr. RUMBOLD, from Great Yarmouth. Against the Bankrupt Laws Amendment Bill, by Colonel TRENCH, from the Inhabitants of Cambridge. Against Tithes, by Mr. COKE, from the Hundred of Diss, Norfolk.

WATERLOO BRIDGE.] Mr. Wallace presented a Petition from the Waterloo Bridge Company, praying that a street may be made from Waterloo Bridge to Tottenham-court-road, &c.

Sir *J. Yorke* observed, that when on a former evening he wished to present a similar petition, he was prevented from making some observations in consequence of the long discussion that took place on another petition, which embraced four different points,—community, unity, navigation and trade,—which were ably discussed by the hon. Alderman, one of the members for London, by the hon. member for Newark, and the hon. member for Yorkshire. The consequence was, that he could not edge in a single word on that occasion. Now he contended that this was a Petition well worthy of the attention of the House. A street from Tottenham-court-road to Waterloo-bridge would, in conjunction with the improvements at Charing-cross, be a great convenience. Various reasons might be adduced in favour of such an opening. One of them was, that it would facilitate the approach to Somerset-house, and various other public establishments. At present there was no outlet to the northern parts of the metropolis, except those very narrow and extraordinary streets through which gentlemen were obliged to drive at present. He thought that a sum of money might, with great advantage, be laid out in carrying a plan of this kind into effect—and he was sure that it would ultimately pay the public. He could see no reason why money should be voted for improving the streets of Dublin, and that a similar provision should be refused with respect to those of London. He thought that Ministers ought to be anxious to form new streets as one way of perpetuating their names. As they had a Waterloo-bridge and a Wellington-place, why should they not have a Murray-square—a Goulburn-place—and a Dawson-alley? In their nautical discoveries this course had already been adopted. They had Melville Island—Barrow's Straits—Croker's Mountains—and even Warrender's Head. He thought that such an example ought to be followed, and he hoped the Chancellor of the Exchequer would, this evening, in moving the Miscellaneous Estimates, make a beginning.

The Petition was laid on the Table.

IRISH STAMP DUTIES.] Mr. *Brownlow* presented two Petitions from the Letter-press Printers of Belfast, against the proposed increase of Duty on Stamps on Irish Newspapers, and on Advertisements inserted in them. The petitioners, as might naturally be expected, were much alarmed at the right hon. Gentleman's statement when he brought forward his Budget, that he meant to propose additional Stamp Duties on Ireland. At the moment that the Government took credit to itself for reductions, it was planning schemes for increasing the existing imposts. Ministers talked of liberality, and attacked that branch of our manufacture, if he might call newspapers a manufacture, which an enlightened Ministry would be the last to attack. He did not attribute to Ministers a cold-blooded desire to ruin the Irish press, but that would be the result of their proceedings. The circulation of all the newspapers would be injured by these new imposts, and some of them would be utterly annihilated. The newspaper trade in Ireland was already a declining one. In 1812 the duty on an advertisement was 1*s*. 6*d*., and the revenue obtained from that duty was 20,000*l*.; it was subsequently raised to 2*s*. 6*d*., and the revenue fell off to 14,000*l*. In the face of that declining revenue the Ministers, with a view of increasing their resources, proposed the present addition. He was satisfied that if they lowered the duties they would gain instead of losing; and equally satisfied that by raising the rate of the duty the revenue would decrease still more. He hoped, therefore, that the right hon. Gentleman would pause before he carried into execution a measure equally adverse to the wishes of the people and the resources of the Government.

Mr. *Jephson* concurred with the petitioners, but thought that they did not go far enough. He would have the English Members unite with the Irish to resist the extension of Stamp duties in Ireland, and to reduce the duties on advertisements and on newspapers in England to a level with the duties in Ireland.

Mr. *Hume* said, that if Ministers would reduce the rate of duties both in England and Ireland, the Revenue would be rather increased than diminished.

Sir *H. Parnell* was also of opinion, that there was no tax, the reduction of which would so much benefit the people of England, while that reduction would, he believed, increase the Revenue on the Stamp-duties on Newspapers and Advertisements. The subject was so important that it ought to be considered generally and not locally with reference to Ireland alone.

Petitions to be printed.

BUSINESS OF PARLIAMENT.] The Chancellor of the Exchequer, moved the Order of the Day for the House going into a Committee of Supply.

[Several Members objected to this, as there were yet Petitions to be presented. It was represented to them by the Chancellor of the Exchequer that it was half-past eight o'clock, and there was much public business to be carried through, which could not possibly be accomplished if so much time were occupied in presenting petitions. Various suggestions were immediately thrown out as to the manner of disposing of this part of the business; but as the conversation ended in nothing, the Editor thinks it right not to occupy his space by inserting it. He is obliged however, to notice the fact, because it was the first distinct beginning of the complaints, that were frequently made by the Ministers before the close of the Session, that they could not transact the public business on account of the time occupied by presenting petitions and making speeches on them.]

GREEK LOAN.] The *Chancellor of the Exchequer* wished to ask the hon. Gentleman opposite, when he proposed to present the petition from Birmingham, as it was desirable that his right hon. friend (Sir R. Peel) should be present.

Mr. *E. Davenport* said, that he would postpone it till Monday, when he understood the right hon. Secretary would be ready to attend. The right hon. Gentleman having asked him a question, he would beg leave to ask one in return. It should be remembered that the Parliament was getting old, and indeed it was not expected to survive the year, and it was therefore right that the country should be informed on the subject on which he meant to put a question to the right hon. Gentleman;—this subject was a Protocol, which was said by an Evening Paper to have been signed by the Ministers of France, England, and Russia, and which purported to be an engagement on the part of those three Powers for guaranteeing a loan to the Greek government. The amount was understood (but that did not appear from the document) to be between two and three millions, each Power being answerable for one-third, viz. 800,000*l.* Without expressing any opinion, what he wished was, that the Chancellor of the Exchequer should state to the House whether such an engagement had been entered into on the part of this country; in which case, hon. Gentlemen would judge for themselves whether it was fitting that the British House of Commons should be the last body in Europe to receive information concerning this transaction.

The *Chancellor of the Exchequer* hoped the hon. Gentleman would not hold it as any disrespect to himself if he stated that he considered it inconvenient in the extreme to enter into any of the points of a negociation that was unfinished, on account of any statements that might appear in foreign or domestic newspapers. He thought it more prudent to give no answer to the question of the hon. Gentleman, and he less regretted it, because the papers which related to the whole transaction would be laid on the Table of the House in a short period, when the Members would have an opportunity of knowing what was the real state of the whole transaction.

Mr. *Hume* said, that the question of the responsibility of this country for any loan to Greece ought to be fully understood; and before they proceeded to vote any further Supplies, they ought to have the whole liabilities of the year before them.

The Speaker put the question for the Committee of Supply.

Mr. *Hume* said, that he must move the postponement of any further Supplies [*cries of* "*No, no!*"] He did not wish to go against the feeling of the House; but they had a right to understand what they were about.

Sir *M. W. Ridley* said, that they had lost half-an-hour in discussing what they should do next. He had three or four petitions to present, and should be glad to take his turn. He did not see that there was anything more indecorous in receiving Petitions than there was in voting money at a late hour.

SUPPLY.] The House then resolved itself into a Committee of Supply.

The first item was a grant of 6,000*l.* for the Building of Churches in the West Indies for the year 1830.

Mr. *R. Gordon* wished to know, whether there was not to be some statement made relative to the distribution of the former grants made under this head, and how the present grant was to be appropriated.

The *Chancellor of the Exchequer* said, that the greatest part of that explanation was already on the Table of the House. Those grants had been made in consequence of what had taken place in 1825, with the view of improving the condition of the negroes, and were, he thought, in unison with the unanimous wish of the House at that time. Salaries were appropriated to Bishops and other clergymen—and other measures were taken for the moral improvement of the population of the Colonies, which had, he believed, fully succeeded. By the arrangements then made, the Colonies were to be at half the expense for erecting chapels, churches, &c. and the Government was to be at the other half. In compliance with this understanding, the Government had frequently submitted votes to Parliament, and sums had been continually granted. The money advanced by the Colonies for this object amounted to 23,930*l.*, while, (including the present grant) this country had only supplied 21,466*l.* The rents of the Bishops' houses were paid out of the Civil Contingencies, but 8,000*l.* had been laid out in 1827 to purchase a house, with a view to save the rent. A church had been built at Bridgetown, Barbadoes, for 8,800*l.*, of which this country had contributed 3,400*l.* At Kingston a church had been built for 4,255*l.*, of which this country had paid 2,000*l.* The establishment of these churches appeared to him to be one of the most effectual modes of improving the condition of the negro population; and as that had been in some measure promoted, agreeably to the wish of the House, Members would not, he thought, now have any objection to supply the means of attaining so important an object.

Mr. *R. Gordon* admitted the correctness of the right hon. Gentleman's statements as to what had been the wish of the House, and he expressed his satisfaction at hearing that means had been taken to improve the Negro population; but he did not know in what papers to find the accounts to which the right hon. Gentleman had alluded; unless, indeed, they were to be found under the head of Army Extraordinaries; for it was there that he had once found an account of the expenses of the Bishop's House at Barbadoes. As he conceived, notwithstanding the explanation of the right hon. Gentleman, that Parliament ought to have more information on the appropriation of what had been, and what was to be voted, than simply "For building Churches so much," he should oppose the grant.

Sir *James Graham* rose to ask, as he saw a sum of 508*l.* voted for the rent of a house for a Bishop of Barbadoes; whether that sum was for a second residence for the Bishop, as the House had just heard that a place had been built for that Ecclesiastic.

The *Chancellor of the Exchequer* said, that this charge was for the rent of a house before the present one was built. It was a charge which would not be repeated in future.

Mr. *Hume* wished to know, why the people of England should be obliged to pay for erecting palaces for the Bishops of the West-India islands? An end ought to be put to such extravagance. He should certainly oppose such votes. He wished to know why there was every year to be an additional expense under these heads, and he trusted the House would not sanction it by its vote.

The *Chancellor of the Exchequer* said, that the Bishops had been appointed, with the approbation and wish of the House for the ecclesiastical government of the West Indies. At first they were obliged to hire houses, and the rent of those houses was paid for by bills drawn on the Government, which were charged in the Army Extraordinaries. But it was desirable to relieve the country of that charge, and construct a residence for the Bishops. This had been done, and their houses were not, as the hon. Member said, palaces, but houses. If they were palaces, the Government deserved great credit for its economy in having built them for a sum of 4,000*l.* each. Now the Bishops had houses provided for them, the country would not be called on to incur a similar expense again. The Parliament had given its assent to the appointment of the Bishops; it had thought a Church Establishment in the West Indies necessary, and houses for the Bishops were as necessary as churches.

Mr. *Wilmot Horton* was surprised at the notice that was now taken of the expenditure on this subject. The building of churches in the West Indies, and the sending out of Bishops was an arrangement called for by the West Indians themselves, as well as the people of this country. If the colonists would undertake to be at all the expense of subsequently supporting these establishments, they were told the Government would consent to the appointment. The proposition had come from the West Indians, and had met with the support of Parliament. It was thought to be of great importance, and the Government was called on to give it its support.

Sir *James Graham* said, the right hon. Gentleman (Mr. W. Horton) would confer a great favour on himself and other Members, if he would point out to them where they could find an authentic account of the Colonial expenditure. He confessed that he had sought after this with some diligence, but he had been unable to discover any correct source whence he could learn what was the whole amount of our Colonial expenditure. His right hon. friend would not be surprised at this, when he reminded him of a document recently published—an authentic document, signed by the present Master of the Mint. He was not aware that any change had taken place in the Colonial management since that letter was written. He would, with permission of the House, read the letter, which had been printed at his request. It was a letter from the present Master of the Mint, who was then Secretary of the

Treasury, to his right hon. friend, who was then Under-Secretary of the Colonies.

The hon. Baronet accordingly read the following letter :—

Treasury Chambers, 24th March, 1827.

"Sir:—I am commanded by the Lords Commissioners of his Majesty's Treasury to transmit to you the accompanying papers, being statements prepared by the Auditors of Colonial Expenditure, showing the Income and Expenditure of Ceylon, the Mauritius, the Cape of Good Hope, Trinidad and Malta, for periods of ten and more years for each of them respectively, preceding the latest date up to which the accounts are in the possession of the Auditors, and I am to request that you will lay the same before Lord Bathurst, and call the serious attention of his Lordship to the results which are exhibited by these papers. His Lordship will perceive that the collective expenditure of these several Colonies has so greatly exceeded the Colonial Revenues, applicable to the discharge of it, as to have constituted a deficiency, amounting altogether to 2,524,000*l.* according to the latest accounts under examination. Lord Bathurst will also observe, that according to the rate at which the income and expenditure of each of the Colonies were proceeding at those dates, the annual accruing deficiency could not be estimated at less than 200,000*l.* My Lords are aware that these observations do not apply to Malta or Trinidad in the same manner as to the other Colonies, although they are included in this account, and that the excess of expenditure at the former of these, was owing to a peculiar calamity, which may not recur. They also bear in mind that at the Cape, the excess of expenditure beyond the Revenue has been small in comparison with that of the Mauritius and Ceylon; but they have judged it most advisable to present a view of the whole together. They are well aware that the expenditure by which the deficiencies above stated have been created, was incurred for public services such as could not, consistently with a due regard to the interests, either of the Colonies, or of the empire at large, have been avoided, and they desire to be distinctly understood as not intending to convey any doubt upon that subject, or to impute to those under whose control and management the expenditure in those past years was directed, any want of due regard to public economy, when they state their decided opinion that some alteration is urgently required in the system under which the financial arrangements of the Colonies (not having legislatures) has hitherto been conducted. My Lords are confident that Lord Bathurst will not hesitate to concur with them, as to the necessity of some change in this respect, when they draw his attention to the manner in which the above deficiency has been gradually created, and principally provided for. It appears that of the abovementioned sum of 2,524,000*l.* there has been furnished out of the public funds of the United Kingdom, partly by bills upon this Board, by advances to the agents for the Colonies, and by the discharge of debts to the East India Company, about 2,435,000*l.* and that the remainder is still existing as a debt of the Colony, either in the shape of a paper circulation without funds for the discharge of it, or in some other form, in addition to all the debt of this description which existed at the commencement of the account. Of the expenditure thus defrayed, or remaining to be defrayed under the authority of this Board, I am to observe, that under the system hitherto pursued, the greater part has been incurred without any previous communication with my Lords; and that the Treasury has been uninformed, not only of the measures which have from time to time led to occasional and extraordinary expenses in these Colonies, but even of the state of their ordinary revenues and the permanent charges upon them. My Lords have therefore had no opportunity either of preparing for such expenses, as it might be indispensable to provide for by funds at home in aid of the revenues of the Colonies, or of suggesting, with respect to those services which might have been susceptible of reduction or postponement, such modifications as a due regard to other more pressing demands upon the general funds of the United Kingdom would have rendered expedient. Of the great inconveniences to which this imperfect administration of an important branch of the public expenditure is obviously liable, my Lords are well assured that Lord Bathurst will entertain the same opinion with themselves; and I am therefore to request that you will submit to his Lordship the desire of this Board, to receive as early as possible an estimate of the present and permanent annual revenue, and also of the present and prospective annual expenditure of each of the abovenamed Colonies, in such detail as may enable their Lordships to communicate fully with Lord Bathurst upon the subject, in order to determine in what manner, whether by diminution of expenditure or augmentation of the Colonial Revenue, if any such be practicable, or by the aid of additional funds under the authority of Parliament, if such should be indispensably necessary, a regular and sufficient provision may be made for the charges to be defrayed in each Colony, instead of throwing an excess of yearly expenditure unprovided for, according to the present practice, upon the annual grant for the extraordinaries of the army. I am to add, that the information which has been obtained from the Auditors of Colonial Accounts upon this subject, does not afford to my Lords the knowledge which they desire to have of the present and prospective state of the revenues and expenses of the several Colonies, inasmuch as that information relates only to periods already long passed, and it does not appear that the Auditors are competent to supply any other.—I am, &c.

(Signed) "J. C. Herries."

From this letter, the hon. Baronet continued, it appeared, that nothing was known of the colonial expenditure; that even the auditors could give no account of it, and that the Treasury knew nothing about it. He believed that the vicious system described in that document had not been changed, and that no improvement had been made in it. A board under the Government, indeed, had been appointed to investigate these abuses; but three years had elapsed since that document was written, and the same abuses were continued. The House ought not, in his opinion, to vote one farthing, till the report of this Board of Commissioners was made, and till this most flagrant and most vicious system of the Executive Government was corrected. The House would not discharge its duty if it voted these sums till then. At least in future, an estimate of the expenses of the principal colonies ought regularly to be laid before the House every year, by the minister for the colonies, like the estimates for the other branches of the public expenditure. A budget for the colonies, with ways and means, ought annually to be submitted to the House; and if that were not done, the House would not be justified in continuing to vote money for the expenses of the Colonies.

Mr. *Wilmot Horton* said, his hon. friend must be aware that the answer to the document he had read had been moved for: and he was surprised that it was not yet laid on the Table of the House. When that answer was laid on the Table the two documents might be considered together; but it was hardly fair to discuss one without the other. He would only observe, that the Colonial Auditors were not appointed by the Colonial Office, but by the Lords of the Treasury. It was, however, of more importance to consider what ought to be, than what had been done, and though there were many official difficulties in the way of the proposition of his hon. friend, he agreed with him in thinking that a regular Estimate of Colonial expenditure ought annually to be submitted to Parliament.

Mr. *Herries* said, as he was the author of the letter alluded to, he would say a few words, though he was convinced that it would be proper to postpone the discussion till the other document was laid on the Table. He would, in the first place, say, that the hon. member for Cumberland was quite unwarranted in his assumption that no improvement had been made in the Colonial management since the date of the document he had quoted. He could assure the hon. Member that in this he was mistaken; and if the hon. Member had attended to the information laid before the Finance Committee, he would have found that the management of the Colonies was not so defective as he supposed. Respecting the auditors' ignorance to which the hon. Baronet alluded, that was merely an ignorance of the estimate of the expense in future, which the auditors could not know.

Mr. *Hume* said, that the letter quoted was dated in April, 1828, and there had been certainly some accounts laid before the Finance Committee. He had urged the Government to have these accounts printed and laid before the House; and he had understood that it was to be done. He was surprised, indeed, that they had not already been laid on the Table; and he could only account for it by supposing that at the Colonial office little or nothing was done. Three weeks had elapsed since one letter was ordered, and it was not yet ready, which was a pretty good specimen of the negligence at that office. Till the accounts he had mentioned were laid on the Table, he, for one, should be unwilling to vote a shilling for the Colonies. The Report of the Commissioners ought, indeed, first to be laid on the Table before any money was voted. The Colonies were loaded with unnecessary officers, with large salaries; they were unable to support their own expenditure, and the country was accordingly called on to support their expensive establishments. He was afraid that Government was tardy in submitting the documents to the House because they would not justify its extravagant expenditure.

Sir *J. Graham* said, as he had not been a member of the Finance Committee, he could not judge of the improvement made in the management of the Colonies by the documents submitted to that Committee; but he saw before him the Chairman of that Committee, and he had lately given to the public, in an authentic form, the result of its labours. Within two months the judgment of that hon. Baronet was, that the Colonial accounts were in a state of unintelligible confusion. It was at that hon. Baronet's suggestion that he had taken the liberty of inquiring into the matter. He would admit that he was in error if the right hon. Gentleman opposite, or any of the right hon. Gentlemen sitting near him, would state from any source the entire sum demanded from this country for the support of the Colonies. If they would tell him from the Miscellaneous Estimates, the Civil Contingencies, and the Army Extraordinaries—for under each of these heads there were charges for the Colonies—the amount of the expenditure, he would at once admit that the accounts were intelligible and that he was wrong.

Sir *George Murray* admitted that it would be very proper to have Colonial Estimates, both of the expenditure and the receipts of the Colonies; and he should have no objection to prepare such documents, if it could be accomplished in future, though he believed that there would be many difficulties in the way. With respect to the observation of the hon. member for Aberdeen concerning the documents submitted to the Finance Committee, it happened that those documents were very incorrect, and the remoteness of the Colonies had prevented him from obtaining the corrections necessary to make them fit to be submitted to the House. With regard to the letter which had been read, the other document connected with it was about to be laid on the Table, and then the two might be considered together.

Mr. *Warburton* wished to say a few words on the vote before the Committee. The Government desired to have a large Church establishment and extensive patronage, with Bishops, and fine churches; and in order to have these, it had been anxious to get rid of the Moravians, who were far better qualified to teach both the negroes and the whites of the West-Indies religion than the members of our Established Church. The Moravians were humble men, who lowered themselves to the humble intellect of the people they undertook to instruct. So long, however, as the House voted money, so long would there be Bishops, and churches to be paid for.

Mr. *Bernal* denied that the West-Indians had demanded the establishment of Bishops in the West-Indies, but he remembered that expressions reflecting on the religion of the West-Indians had been used in that House, and he remembered that a Church establishment had been described by several hon. Members as a desideratum in the Colonies, and that the West-Indians had assented to the plan, though the proposition did not originate with that body. The West-Indians did not wish, and never had wished, to interfere with the Moravians, or to get rid of them; but they had wished to have proper spiritual guides. His hon. friend had spoken of palaces; but he believed the palaces built for the Bishops were only common houses. He wished that a Colonial budget should be annually submitted to the House, and it would then be seen that Jamaica cost this country very little. It defrayed all the expenses of its internal government, the salary of the Governor, and of all the public officers; and it defrayed the expense of a great portion of the King's troops, which were kept for the defence of that valuable colony. Other colonies in the West-Indies cost this country very small sums; and he believed if the 4½ per cent duties were applied as they ought to be, those colonies would not put this country to one farthing expense. He was willing to unite himself to the hon. member for Cumberland in all his praiseworthy undertakings; but he ought to recollect that a large portion of the expense he had referred to in the letter he had quoted, arose from other colonies than those of the West-Indies. That letter related chiefly to the Cape of Good Hope, the Mauritius, and Ceylon.

Mr. *Wilmot Horton* maintained, that the West-Indians had desired the appointment of the Bishops, and complained that he had been exposed to the attacks of both parties. He had been censured by one writer, a Mr. McQueen, who had received, it was said, 3,000*l.* from the West-Indian body, for making every appointment in the Colonies with a view to promote the emancipation of the negroes, and ruin the planter; and he had been threatened with opposition in the town he represented, because he was the enemy of emancipation. He had endeavoured to guide his course impartially, but it was his fate to be condemned by both parties. This was too bad, and it was still worse that they both pursued him into private life, and even now continued to make him the object of their censure.

Mr. *Maberly* thought it would be better that the documents alluded to by the gallant Officer should be printed and laid before the House, although they were incorrect, rather than that the House should be left without any information.

Sir *G. Murray* said, that those documents were so very inaccurate, that it would have been improper to lay them before the House; and he regretted that the distance of the Colonies had hitherto prevented the inaccuracies from being corrected.

Mr. *Maberly* inquired how long it would probably be before those documents would be ready? If they were not likely speedily to be ready, he should move that the inaccurate documents be printed.

The *Chancellor of the Exchequer* objected, that it would be a pity to print inaccurate accounts, when no harm could arise from a short delay, particularly as any Member who chose might have access to those accounts in their present state.

Mr. *Trant* wished that the Colonial budget should include India, as the accounts of the finances of that country were formerly laid before Parliament regularly, and with great advantage to both countries.

Sir *James Graham* was of opinion, that a commission appointed by his Majesty would be better to inquire into the Colonial expenditure than a committee of that House: but as the efficiency of such a commission would depend altogether on the persons who composed it, he begged leave to ask the right hon. Gentleman the names of the commissioners.

The *Chancellor of the Exchequer* said, that the commissioners were the Earl of Rossyln, the member for Kerry, Sir W. Gordon, Lord Eliot, and himself, and they were disposed to prosecute every requisite inquiry.

Mr. *Portman* was anxious to hear the Government pledged to bring forward next year a sort of Colonial budget, and to declare that he could not consent to vote any more public money for the Colonies till a pledge of that kind was given.

Sir *George Murray* said, if it should be his duty to perform such a task next year, he would willingly bring forward a Colonial budget.

Lord *Howick* wished to know if the grant were to be expended upon churches already begun, or if they were not commenced?

The *Chancellor of the Exchequer* said, that the works were generally commenced upon the faith of receiving these grants from Parliament.

Mr. *Gordon* objected to the grant being at the disposal of Government, as there was no uniformity of system in the application of the money voted for the service of the Colonies. It was partially distributed. He thought that accounts had better be laid before the House, and that a committee of the House would be preferable to a commission.

Mr. *Brougham* said, the Committee was voting away money in the dark: he would not vote even 6*l.*, much less 6,000*l.*, for establishments, which in his opinion, were not the best calculated for the religious wants of the people of the Colonies. He wished also to know whether the churches were begun or not, for which the sum of 6,000*l.* was required; for if they were not, it would be better, in his opinion, not to vote the money till more information was laid before the House. If the works were begun, the House could probably not refuse the grant without a breach of faith. He wished to know what islands had voted aids to this grant, what was the amount of the votes, and whether such votes were in the course of expenditure?

The *Chancellor of the Exchequer* said, that the Treasury did not give the money until they received a certificate from the Bishops, that the funds voted by the Colonies were in course of expenditure.

Mr. *Brougham* wished to know when the statement that the money had been raised in the Colonies had been received; and how the 6,000*l.* now required was to be expended?

The *Chancellor of the Exchequer* stated, that the certificates from the Bishops had been sent home at various times, the last came, he believed, in the autumn. He could not specify the particular churches the 6,000*l.* would be appropriated to build, but he had a list in his hands of all those to the building of which it was to be applied.

Mr. *Hume* thought the right hon. Gentleman ought to be prepared with more circumstantial information before he came down to the House to ask for a grant of money.

The *Chancellor of the Exchequer* said, that the money was chiefly to be expended in Antigua and Barbadoes.

Mr. *Stanley* wished for the details of the expenditure.

Lord *Howick* was for suspending the vote till next Session.

The Question was put and carried.

The next Vote was for 8,000*l.* for Piers at Milford Haven.

Mr. *Hume* thought that it would be

throwing away money to apply it to such a purpose.

The *Chancellor of the Exchequer* said, that the subject had been investigated by a committee in 1827, and that committee reported, that in order to facilitate the communication between England and the South of Ireland a landing place was necessary, and in pursuance of that recommendation the plan was adopted for which money was then required.

Mr. *O'Connell* complained of the tardy and circuitous rout of the post under the existing regulations. Although the expense had been incurred, Ireland derived no benefit from it.

Mr. *Rice Trevor* said, that an excellent road had been made for a considerable distance, but there was no means of getting a gentleman's carriage to it. The sum proposed was necessary to complete the communication with the South of Ireland, which would be of great utility to both kingdoms.

Lord *Ebrington* having been a member of the committee mentioned by the Chancellor of the Exchequer felt himself bound to confirm the statements of that right hon. Gentleman.

Vote agreed to.

12,000*l.* was next proposed to be granted to his Majesty, towards defraying the expenses of a State Paper Office, to be built in Duke Street, Westminster.

Mr. *Hume* said, he did not object to the grant. He thought, however, the situation selected for this office had been ill chosen.

The *Chancellor of the Exchequer* contended it was most convenient, on account of its proximity to the public offices.

Mr. *J. Wood* complained of the unprotected state of the records in Westminster Hall. He suggested that no time should be lost in their removal.

Mr. *Ewart* wished to inquire if any alterations were to be made in the entrance and interior of the courts of Westminster Hall, which, in their present state, were found to be extremely inconvenient. He had presented a petition on the subject, and was desirous of obtaining information as to the intentions of the Government concerning it.

The *Chancellor of the Exchequer* said, he was extremely anxious to effect the removal of the records, and he was happy to tell the hon. Member who had asked the question, that the records of the Common Pleas would be very soon transferred to a house in Westminster belonging to the Government; and it would be his duty, as it was his disposition, to remove all the other records into some place of safety as soon as he possibly could, leaving it to be decided, on some future day, whether it would not be advisable to erect some building in which all of them might be deposited. He knew that there had been complaints made of want of room in the Courts of Westminster Hall, and he had received a memorial suggesting the propriety of making alterations upon a plan which the House had before condemned. That he did not consider it advisable to assent to; but he was, at the same time, most anxious to promote the object which the memorialists had in view; and to obtain for gentlemen connected with the law, that accommodation in the courts which they ought to have; but he was afraid that the space was too limited to allow of compliance with their wishes.

Lord *Milton* suggested to the right hon. Gentleman the propriety of providing some secure place also for the records preserved in Doctors' Commons, on which so much of the property of the country depends.

Vote agreed to.

4,700*l.* was voted to defray the expenses of the Commissioners of the Holyhead and Howth Harbour Roads.

10,000*l.* was voted to defray the expense of the new buildings in the British Museum, for the year 1830.

30,500*l.* was proposed for the purpose of defraying the expense of all salaries and allowances of the Officers of the Houses of Lords and Commons, for the year 1830.

Mr. *Hume* said, it would be extremely desirable that the House should have a detailed account of this Estimate, which seemed very large; and before the report was brought up he should endeavour to get some correct information laid before the House.

The *Chancellor of the Exchequer* said, that the sum then moved for was absolutely necessary in addition to the fees received by the officers of both Houses. The little difference between this and former estimates on the same account, arose from a fluctuation in the amount of fees.

Vote agreed to; as was a vote of 17,000*l.* to defray the expenses of the Houses of Lords and Commons for the year 1830.

It was proposed that 24,000*l.* should be granted to his Majesty to make good the deficiency in the Fee Fund of the several public offices in the Treasury Department for the year 1830.

Mr. *R. Gordon* wished to have the Estimate drawn up in a different form in future years. He did not object to the vote; but as the Estimate now stood it was impossible to know how the money was to be applied.

The *Chancellor of the Exchequer* would have no objection to meet the wishes of the hon. Member, and in future would take care that the manner in which the different sums, composing the whole of this vote were appropriated, should be set forth.

Mr. *Portman* said, it had been his intention to move that a reduction of one-tenth should be made in all salaries above 200*l.* a-year paid for the public service; he would not, however, bring the matter forward that Session, as he was not possessed of the necessary documents. He had no means of ascertaining the amount of money paid to the public servants, and he might, if he carried such a motion, be inflicting injury on the few without conferring benefit on the many. He would, therefore, abandon his design for the present; and in doing so begged to ask the right hon. Gentleman opposite if he would have any objection to furnish him with accounts, before the next Session, of the sums paid by the public for all officers and for all services above 200*l.* a-year.

Sir *James Graham* said, that the Government had intimated its intention to him of opposing the motion which he proposed to bring forward to-morrow night; in which, if he succeeded, he could pledge himself to the hon. member for Dorsetshire that he would show him the amount of all the principal salaries. And this he knew would answer the hon. Member's purpose, who was as little disposed as himself to stoop to ignoble game, while flights of voracious birds of prey were gloating in the upper regions of the air. They would direct all their efforts against these, and urge them by every argument, *ad invidiam* and *ad verecundiam*, to adopt that course which had been pursued by only one officer then serving his Majesty. He meant the Duke of Northumberland, the Viceroy of Ireland [*cries of* " *Lord Camden*"]. Lord Camden had made the sacrifice of his salary long ago—it was before the pressure of distress was so universally felt by the nation, and before an urgent cry for relief had been raised by the people in that House, through the voice of their representatives [*cries of* " *Mr. Moore*"]. He had forgotten Mr. Moore, whose conduct was certainly deserving of the highest praise; but thus it was, that the only instances of patriotism were to be found in the persons of one amongst the humblest and one amongst the most exalted of the public servants. He would accordingly, if the information he sought for were denied, call upon the House to declare whether it was a thing to be endured that they, the guardians of the public purse, should be left in ignorance as to the mode in which the public money was expended. He could assure the right hon. Gentleman that it was just as painful to him to put these interrogatories, as it was irksome for the right hon. Gentleman to reply to them; but he had a public duty to perform, and would not, consequently, hesitate to show how ignorant a country gentleman could be of the arcana of office by asking him to explain what the Fee Fund was, and what was the meaning of the several items he saw connected with it, under the title of Superannuations and Retired Allowances.

The *Chancellor of the Exchequer* complained, that the hon. Baronet, notwithstanding all his professions, did not act with that frankness towards his political opponents for which he was disposed to take credit. The hon. Baronet, in saying that Government had declared its intention of opposing his motion, had only given half the statement that was made to him, because it was added, that the hon. member for Lincoln had moved for a series of Returns so ample that they would embrace all the hon. Baronet proposed, and, consequently, that Government would find it necessary to oppose the granting of any partial Returns. He therefore denied any wish to exclude the House from information on the subject of those salaries. He also thought it extremely hard that he, who honestly, though perhaps inefficiently, discharged his duties in an office for which he received that remuneration bestowed on his predecessors, had been designated as a bird of prey, rather than the hon. Baronet, who enjoyed the income derived from the territorial possessions of his ancestors.

From what vocabulary was it that the hon. Baronet derived such phrases; or, why was it that he was to be subjected to them in a society of Gentlemen? Notwithstanding what had fallen from the hon. Baronet, he should be always happy to give him all the information in his power; but as for the Fee Fund, it had been, on several occasions, sufficiently explained.

Sir *J. Graham* admitted, that he had, when speaking on this subject, employed a metaphor which had drawn an expression of feeling from the right hon. Gentleman that he was very sorry to observe. He was bound to apologise for the metaphor, which he could assure the right hon. Gentleman he had not meant to be personal in any manner, or offensive to him, when he indulged in it. The right hon. Gentleman had certainly soared into the higher regions with much industry, but without any stain whatever on his character. Having thus apologised for the form of the expression, he must, with every possible deference to the right hon. Gentleman, adhere to its spirit, and must contend that it was unworthy of the Government to cut down the salaries of inferior clerks, while the great officers of the State, possessed of private fortunes, wealthy connections, and ten thousand other advantages which these clerks did not enjoy, were allowed to remain with undiminished salaries. He begged to state now, that he should submit a motion on this subject to-morrow; and he wished to observe, that the motion of the hon. member for Lincoln, which went to obtain a Return of the salaries of all the officers of the Government, from the highest to those who had only 200*l.* a year, would by no means meet the object he had in view, which was to direct attention particularly to the salaries enjoyed by the members of the Privy Council.

Colonel *Sibthorp* also thought, that the two motions would not interfere with each other, and he should certainly support that of the hon. member for Cumberland, believing that it would not render his own unnecessary.

Mr. *Hume* wished to recall the Committee to the consideration of the vote before it, and to the whole subject of which it was a part. The vote was to make good the deficiency in the Fee Fund, part of that going to pay the public servants of the Treasury, who derived their emoluments from no less than fifteen different sources. The whole estimate for the services of the Treasury in 1797 was about 44,000*l.*, but now it amounted to 87,000*l.* He could not conceive what reason there was for so considerable a difference; particularly as the accounts were now more simplified than they were then, and the whole business better arranged. In 1827 the Fee Fund was 294,000*l.*, of which 130,000*l.* only was appropriated by Act of Parliament, and out of which 93,000*l.* was paid into the Exchequer as fees on the issue and receipt of our own money. He thought that was most wasteful extravagance. We were paying money twice over, because the Treasury would not simplify the accounts. Promises to do that had been made year after year, which had never been fulfilled, and he did not know whether the solemn pledge given this year would not also be violated. He wished to ask how it was that Mr. Stewart, the present Assistant Secretary of the Treasury, received the same salary as his predecessor, when the Treasury Minute of 1821 directed its reduction on the next vacancy from 2,500*l.* a year to 2,000*l.* a year?

The *Chancellor of the Exchequer* said, that Mr. Stewart's predecessor had other allowances which the present possessor of the office did not enjoy. At the same time his labours were so great, that they were not more than paid by 2,500*l.* a year.

Mr. *Hume* replied, that Mr. Hill, the former holder of the office, had been a man of long experience in business, and yet the same salary was now given to the present officer, perhaps because he was a military man. If Treasury Minutes were to be so violated, he did not see of what use they were.

The *Chancellor of the Exchequer* observed, that the salary was not kept up to 2,500*l.* a year in favour of any particular individual. The hon. member for Cricklade, who sat immediately under the hon. member for Montrose, had suggested the observation as to Colonel Stewart having been a military man. It was true he had been so, and had served with distinguished merit in the Rifle Brigade, during the Peninsular War; but it was not on his military services that his claim to his present salary had been founded. After the peace, Colonel Stewart had entered the Civil service, and, as Comptroller of the Army-accounts, had laboured most effectually for the public advantage. His exertions had recommended him to the post of a Commissioner of the Excise in Ireland, when preparations were making to consolidate the different Boards. In that office he saved a considerable sum of money to the public, by the investigations he instituted and the control he exercised over the subordinate officers of his department. On the first vacancy of a Chairmanship here, Lord Liverpool, who approved most highly of his services, appointed him Chairman to the Board of Stamps; and from a sense of his zeal and ability in the public service, he himself had recommended Mr. Stewart to the Duke of Wellington, who certainly had not selected him on account of his being a military man.

Mr. *Gordon* said, it was disagreeable when these discussions were made personal. The question did not relate to the individual who held the office, and who might fully deserve the encomiums that had been passed on him—but to the pledge which the Government had given that the successor of Mr. Hill should not have more than 2,000*l.* a year. If the Minute of 1821 was not to be adhered to, no advantage was derived from it, and, in fact it was a delusion on the public.

The *Chancellor of the Exchequer* said, that Mr. Hill, who had been appointed after that Treasury Minute was made, had 2,500*l.* continued to him in deference to his great capabilities for the office, and his great previous services. Although Colonel Stewart could not boast of such long services as Mr. Hill, his great merits was considered to take his case out of the general rule.

Lord *Milton* observed, that it appeared from the right hon. Gentleman, that this place was, in fact, made a means of remunerating individuals—a practice which he thought quite improper, after that House had recommended, and a Treasury Minute had directed, a reduction of the salary attached to it.

The *Chancellor of the Exchequer* agreed that it would be improper to make the place a means of remunerating individuals, but he denied that it was so, and asserted that the great duties of the office, and the great merit of the two individuals, made such a salary not more than sufficient.

Lord *Milton* remarked, that the result of this was, that in 1830, the right hon. Gentleman thought fit to pay 2,500*l.* a year for the office, when the Treasury, in 1821, had declared that 2,000*l.* a year was sufficient. Of course, when the Treasury made this minute, they fully intended that the office should be filled by a man of ability.

The *Chancellor of the Exchequer* observed, that the Treasury of 1824 thought that the office could not be paid for by less than 2,500*l.* a year, for it was they who had appointed Mr. Hill.

Lord *Milton* answered, that these facts only showed that the Lords of the Treasury had twice violated the principle of their own Minute.

Mr. *C. Wood* said, that after the successive appointments of two individuals at a salary greater than the Treasury Minute of 1821 declared to be sufficient, he could not understand what the right hon. Gentleman meant by saying that it had been the constant attempt of the Government to adhere to that Minute, and to reduce as much as possible the expenses of the Treasury. The question was, whether the House would agree with the Treasury in what they had thus done. He would put that question to the proof, by moving that the vote be reduced by 500*l.* If a man's salary were to be increased in proportion to the time that he had served, there was no saying to what its amount would be limited. He moved that the vote should be diminished by the sum of 500*l.*

Mr. *Hume* said, that the Treasury Minute had equally recommended the reduction of the salaries of the chief clerks. He wished to know if that recommendation was to be adhered to?

The *Chancellor of the Exchequer* answered in the affirmative, and added, that to show how anxious the Government had been to adopt economical principles, it had reduced a Commissioner of Stamps, whose salary was 1,000*l.* a year; and thus, in effect, the salary of the present Assistant-Secretary of the Treasury left a balance of 500*l.* a year in favour of the public.

Lord *Milton* said, this was more extraordinary than ever, for it showed that the Government reduced salaries where the reduction was not recommended, in order to be able to continue those which not only that House but the Treasury had recommended should be reduced.

Mr. *Stanley* was also of opinion that the Ministers could not justify their conduct in maintaining the one salary against the recommendation of that House, by saying that they had, of their own accord, reduced another. Nor ought they to be allowed to continue a high salary on the pretence of the singular merit of each individual who filled the office; for if they did so, the exception would then become the rule, and the singular merit of each Government officer would be pleaded against the reduction of his salary.

Mr. *F. Lewis* opposed the Amendment, on the ground, which had been over and over again stated in debates of this kind—that nothing could be more unwise or impolitic than for Government to put itself in the situation of not being able to obtain the services of those who were most capable and efficient. Mr. Burke had especially dwelt upon this principle in his celebrated speech upon Economical Reform. Mr. Stewart had been Chairman of the Board of Stamps with a salary of 2,000*l.* a year, and he had been removed to a situation of ten-fold the duty and double the responsibility under an expectation, which had been realised for two or three years, that his emoluments should be increased to the extent of 500*l.* a year. Would it not then be most unfair now to deprive him of that sum? It seemed to him impossible that the House of Commons could pursue a course of such intolerable injustice. From what he had seen of the office and its duties, he did, in his conscience believe, that a man who adequately discharged them amply earned the salary of 2,500*l.*; and it was not to be forgotten that an ordinary individual would not be competent to the situation.

Lord *Howick* suggested that the salary of the Chairman of the Board of Stamps clearly ought to be reduced, if, as the hon. Member who last spoke had said, the duties of the Assistant-secretary of the Treasury were ten times more laborious and twice as responsible. Supposing the Assistant-secretary properly paid by 2,500*l.* the Chairman of the Board of Stamps was much overpaid. He should vote for the Amendment, as he was satisfied that the sum in question ought to be saved to the public.

Mr. *E. Davenport* adverted to the altered circumstances of the country, and observed, that if justice were due to public officers, some little justice was also due to those who paid them.

Mr. *Maberly* felt himself placed in a difficult situation: if he voted according to what he conceived to be the value of Mr. Stewart's services, he should grant the whole sum; but if he voted according to the Treasury Minute, he should refuse to give more than 2,000*l.*, because the Lords of the Treasury had said (and it could not be denied that they were competent judges) that the Assistant-secretary ought to receive no more. He thought that the determination of the Lords of the Treasury ought to be supported, even in the face of Mr. Stewart's high and acknowledged merits, and he should, therefore, divide in favour of the Amendment.

Mr. *Maurice Fitzgerald* bore testimony to the extraordinary and most severe labours of the Assistant-secretary of the Treasury: it would be false economy to reduce his salary, especially in the face of the principle established by the Report of the Finance Committee. The Assistant-secretary was the working and controlling authority of the department, and his responsibility, as well as his labours, was great. To reduce the just rewards of faithful and efficient officers of the State would not be greater injustice to the individual than to the public.

Mr. *C. Wood* said, that he should persevere in his Amendment, and take the sense of the House upon it. He gave more weight to the Treasury Minute, deliberately made, than to the speeches of right hon. and hon. Members who wished that it should go for nothing. His Amendment was to reduce the vote of 24,000*l.* to 23,500*l.*

Sir *G. Warrender* supported the original vote, on the ground of justice to Mr. Stewart.

The Committee then divided—For the Motion 178; For the Amendment 106—Majority 72.

List of the Minority.

Althorp, Lord
Baring, F.
Baring, Sir T.
Baring, B.
Belgrave, Lord
Beaumont, T. W.
Benett, J.
Bernal, R.
Birch, J.
Blandford, Marquis
Bright, H.
Brougham, H.
Brougham, J.
Brownlow, C.
Buck, L. W.
Carter, J.
Crompton, S.
Clive, E. B.
Calvert, C.
Cavendish, W.
Colborne, R.
Clements, Lord
Davenport, E. D.
Davies, Colonel
Duncombe, T.
Dundas, T.
Dawson, A.
Dickinson, W.
Denison, J. E.
Ebrington, Lord
Encombe, Lord
Ewart, W.

Euston, Lord
Fazakerley, N.
French, A.
Fane, Hon. J.
Fyler, T. B.
Guise, Sir B. W.
Gascoyne, General
Gordon, R.
Grattan, J.
Graham, Sir J.
Guest, J. J.
Howick, Lord
Honywood, W. P.
Hobhouse, J. C.
Heathcote, Sir W.
Jephson, C. D. O.
Kennedy, T. F.
Killeen, Lord
Knight, R.
Langston, J. H.
Lambert, J. S.
Lester, B.
Lennard, T. B.
Labouchere, H.
Lawley, F.
Lamb, Hon. G.
Milton, Lord
Morpeth, Lord
Monck, T. B.
Maberly, J.
Macauley, C.
Macdonald, Sir J.
Marshall, W.
Nugent, Lord
O'Connell, D.
Ponsonby, W.
Portman, E. B.
Philips, G. R.
Parnell, Sir H.
Phillimore, Dr.
Power, R.
Poyntz, S.
Pendarvis, E. W.
Palmer, F.
Price, Sir R.
Rumbold, G. E.
Rice, S.
Ridley, Sir M. W.
Rancliffe, Lord
Robarts, A.
Robinson, Sir George
Rickford, W.
Sibthorp, Colonel
Stanley, Lord
Stuart, Lord J.
Stewart, J.
Slaney, A.
Sadler, M. T.
Stanley, Hon. E. G.
Thomson, P.
Trant, W. H.
Tomes, J.
Wilson, Sir R.
Wyvill, M.
White, Colonel
Wilbraham, G.
Wrottesley, Sir J.
Warburton, H.
Whitbread, S.
Whitmore, W. W.
Western, C. C.
Webb, Colonel
Wood, Alderman
Wood, J.

TELLERS.
Hume, J.
Wood, C.

PAIRED OFF
Denison, W. J.
Ferguson, Sir R.
Fortescue, G. M.
Harvey, D. W.
Rowley, Sir W.

The House resumed: the Chairman reported progress, and obtained leave to sit again on Wednesday.

DESERTED CHILDREN (IRELAND) BILL.] Lord Leveson Gower moved the Order of the Day for the House resolving itself into a Committee on the Deserted Children (Ireland) Bill.

Mr. *O'Connell* said, that at that hour of the night it was impossible that the public business could be well done. He admitted that more business was gone through at that hour than at an earlier hour, but not done —at least, not well done. If there were really so much business before the House, why did not the Session begin at an earlier period of the year, and why did it not continue to a later period? Hon. Gentlemen had a great anxiety to be returned to that House, but had they an anxiety to do the public business? For himself he knew how to manage the matter by moving a call of the House. The fact was, that in their proceedings it was important to connect them with public opinion, and to ascertain the public sentiment with respect to them; and it was well known that they could not collect public opinion relative to what took place in that House at an advanced hour, for their later proceedings were not made known; therefore with respect to them, their constituents, and the public at large, could not be said to exercise any judgment. On a late occasion discourses were pronounced which would have excited some attention had they gone before the public. For these reasons then, he should move an adjournment.

Mr. Maberly seconded the Amendment.

Mr. *Doherty* said, his noble friend the Secretary for Ireland had moved that the Speaker do leave the Chair, and that the Bill in question be re-committed, with a view to its being printed. It was of great consequence to Ireland that that Bill should pass, and the House could not help observing that the hon. member for Clare had taken that opportunity of attempting to arrest the progress of the Bill, by moving an adjournment; but he had not stopped short there—he had read the House a lecture, and it was to be expected that he should teach them by his precepts and his example a better performance of their duty than they could yet boast of. He had told them that speeches had been made in that House which deserved further notice. Yes, it was true, speeches had been made there which did demand a reply; but until that reply had been made, the hon. and learned member for Clare would do well to refrain from lecturing the House in the tone which he had then thought proper to assume.

Mr. *Slaney* said, that the hour was not late, nor the number of Members present small, and he hoped, therefore, that the hon. member for Clare would not press his motion.

Lord *F. L. Gower* observed, it was the intention of the Government to reduce the expenses of the Foundling Hospital in Dublin; but as to the present Bill, it did not commit the House to anything. His object merely was, by printing the Bill, to put Members in possession of its contents.

Mr. *Rice* would support the adjournment if the motion before the House committed them to any proposition whatever. Business could not be done, however, if bills were not allowed to come unopposed to a certain stage, and then be printed; nor could it ever be done if these first steps were prevented on account of the lateness of the hour.

[No division took place, the hon. member for Clare not pressing his motion, and the House resolved itself into a committee.]

Mr. *O'Connell* said, that he did not wish to revive topics connected with the late condition of Ireland, but they had been forced upon him. Recent feelings were no doubt acute, but still more recent circumstances had tended to mitigate them. For himself, he had but one wish, which was, to bury the whole in oblivion; but instead of being met by a reciprocal sentiment, such direct attacks were made upon him, that even the English Gentlemen around, whose knowledge of him must necessarily be imperfect, felt the justice of extending their reproof to the violence of that assault. Though unwilling to press such a subject, he could inform them that he was prepared to bring forward such proofs as would establish every assertion he made, there or elsewhere, respecting the trials that had been alluded to. He confessed he was unwilling to introduce into Parliament that Irish squabble; but after what had occurred, he thought it incumbent upon him to state, that to-morrow he would present petitions relating to the trials at Borrisokane, and to what was called the conspiracy at Doneraille. He had looked at some of the newspapers, and he declared himself perfectly ready and able to support anything he had ever said, and even much of what had been imputed to him. He possessed evidence which there was only one way of avoiding, and that was by the House refusing to give him an opportunity of laying it before them; for every fact he stated he could produce the testimony of the most trustworthy persons; and he had no doubt that the result would be, that the House and the public would feel that those trials were mismanaged, to say the least. On the present occasion his object was to aid, as far as his power permitted, in doing away with the practice of carrying through business at a late hour, particularly business which related to a country in which people had been silenced in more ways than one, including the despotic power possessed by the Irish government.

Lord *F. L. Gower* said, the hon. and learned Member should recollect that he had indulged in assertions in Ireland that might do mischief, and could not at the moment be answered. As to the latter observation of the hon. and learned Member, he could only say that he was ready to vindicate every act of the Irish Government.

Mr. Doherty inquired if Mr. O'Connell gave notice for to-morrow.

Mr. *O'Connell* said, he gave notice that to-morrow he should give the names of the petitioners and of the witnesses. He had said nothing that he would not readily repeat. He was sorry that the subject had not been brought forward at an earlier period of the Session, and then the House could perhaps have formed a better judgment. The fact was, that the people of Ireland had become reconciled to each other without the aid of the Government, and contrary to the effect of its measures. He regretted to say that the government of Ireland had done nothing to make the Relief Bill effectual. The gentlemen of the bar, he thought, had some reason to complain: not one Catholic barrister having been elevated to the rank of King's counsel. He did not allude to himself: he had been too long in opposition to the Ministers to admit of their stooping to offer him anything—they would have done wrong in making such a submission as appointing him. If he had not already brought forward the question alluded to, it was from his unwillingness to raise the question of Protestant and Catholic Juries.

The Bill passed through the Committee, and to be further considered on Monday.

DEMISE OF THE CROWN.] Mr. *Hume* said, that at that late hour he would refrain from remarks, and simply move for "Leave to bring in a Bill to render perpetual the Act 57 Geo. 3, c. 45, to continue every person in office at the demise of the Sovereign, until removed or discharged therefrom by the succeeding King or Queen of this Realm." The Bill he wished to bring in was similar to that passed in 1817; but that was a temporary measure, and his object was to make a permanent law.

The *Chancellor of the Exchequer* opposed the Motion, on the ground that such a regulation would be imposing a most invidious task on the Sovereign, as it would take from him the privilege, now appertaining to him, of not renewing the commission or warrant of an officer on his accession to the Crown; instead of which he would be compelled, in the event of this passing into a law, actually to discharge him from the service. The principle of the Constitution always had been, to leave the Crown as unshackled as possible on the accession of any new Sovereign; so that there might be the grace, on his part, of having conferred a favour on each individual that held office under him.

Colonel *Davies* supported the Motion. He thought it was very hard that individuals like Lieutenants of the Army or Navy should have to pay fees for the renewal of their commissions on the demise of the Sovereign. If the fees could be provided for, he had no doubt there would be no objection to the measure, for the Chancellor of the Exchequer did not oppose it as a mere matter of form, but on account of the fees.

Colonel *Dundas* thought, that a bill of that description ought not, at that time, to be introduced, and he would therefore move, as an Amendment, that the House do now adjourn.

Mr. *Wynn* said, that the proposed bill did not stand upon the same ground as the bill it was intended to renew. He did not say that the object proposed was not a good one, but he thought the bill should be made prospective only. At present certain persons had probably a claim for the fees which the bill would take away, and he was not ready to deprive them of their right.

Colonel *Wood* was of opinion that the fees were paid, not to individuals but to the Treasury, and the Treasury could have no desire to retain them. He wished the fees paid by the officers of the Navy and Army to be remitted, but he thought the bill unnecessary.

Mr. *Hume* said, that the right hon. Gentleman had mistaken his object, which was simply to prevent the renewal of fees on the demise of the Crown. If that right hon. Gentleman would suggest some modification of the bill that would meet his own views, he would readily adopt it. He was willing to follow any course that was agreeable to the House, and that would attain his object of avoiding the payment of fees.

The *Chancellor of the Exchequer* said, that he must object to the bill, though the hon. Member might probably attain his object by some other means.

Mr. *Hume* had no objection to withdraw his Motion, in order to introduce a bill agreeable to the views of the right hon. Gentleman.

Motion withdrawn.

HOUSE OF LORDS.

Tuesday, May 11.

MINUTES.] Accounts ordered. On the Motion of Lord TEYNHAM, the amount of Hop Duty between 1820 and 1829 inclusive:—Of Hops imported in each year:—Of Acres of Land under Hop Cultivation in each year:—How often the payment of the Duties had been deferred during the same period, and arrears of Duty at present.

Petitions presented. For the opening of the Trade to India, by the Earl of DERBY, from the Inhabitants of Prescot; and from the Inhabitants of Belfast. Against the Punishment of Death for Forgery, by Lord AUCKLAND, from the Inhabitants of Great Yarmouth; and of Great Bardfield. Against increasing the Duty on British Spirits, by the Marquis of ANGLESEY, from all the eight Baronies of Wexford:—By the Earl of MANSFIELD, from the Clackmannan Agricultural Association:—And by the Earl of CHARLEVELLE, from the Inhabitants of Tullamore.

STAMPS ON NEWSPAPERS (IRELAND.)] The Marquis of *Anglesey* presented a Petition from the proprietors of thirteen Newspapers in Ireland, against the proposed increase of the Stamp-duties upon Newspapers in that country. The noble Marquis expressed his entire concurrence in the prayer of the petitioners, and added, that he thought their Petition was a document well worthy of the serious attention and consideration of their Lordships. The facts which they stated fully proved that the proposed measure would be perfectly useless as one of revenue, while one certain effect of it would be, the almost total destruction of the Irish press, which was already in a declining state. The measure in question went to lay on an additional duty of eighty-three per cent upon Newspapers, and forty per cent on advertisements, while it imposed a duty of 3*s*. 6*d*. on all charity advertisements, which were at present free from duty in that country. The petitioners prayed their Lordships not to suffer any additional duties upon the public press, but on the contrary, to reduce the duties which now weighed so heavily upon it. As an instance of the effect of an increase of duty, the petitioners stated, that the revenue arising from advertisements in Ireland was less now than it was twenty years ago, though the duty then was only 2-5ths of the present amount; and they likewise mentioned that that revenue had declined from 26,950*l*., which was its average annual amount in 1812, to 14,985*l*., its average in the year ending January, 1830. He therefore trusted that his Majesty's Ministers would not persevere in the measure against which this Petition was directed.

Petition read, and to lie on the Table.

POOR-LAWS FOR IRELAND.] The Earl of *Darnley* presented a Petition from the city of Dublin, signed by 2,000 Artisans, Shopkeepers, and other industrious inhabitants of that metropolis, in favour of the introduction of a system of Poor-laws into Ireland. The noble Lord said, that it was absolutely necessary that some compulsory provision for the poor should be established in Ireland, in order to relieve the middle classes, and the description of persons who signed this Petition, and upon whom the support of the poor in that country was at present thrown. It was objected to such a measure, that the poor of Ireland were already supported by charity, which was perhaps true; but that did not exonerate their Lordships from the duty of relieving the middle classes from exclusively bearing that burthen. The gentry of the country, those who drew from it large revenues without ever seeing it, ought to be made to contribute their share. The necessity of such a measure he believed would soon force itself upon their Lordships' attention. For his own part, he had long advocated the introduction into Ireland of a legal provision for the support of the aged and infirm, but from circumstances and statements which had latterly come to his knowledge, he was led to believe that it would be necessary for the Legislature to go much further than that. He did not wish to introduce into Ireland the abuses of the English Poor-laws, but he believed that nothing short of a system founded on the principles of those laws could save that country from much misery.

The Earl of *Limerick* said, that he could assure their Lordships that they would not hear a speech on the subject of the Poor-laws from him on that occasion. His noble friend had been kind enough to apprise him of his intention to present this Petition, and he thought it his duty to attend. He was not astonished at the statement of his noble friend, that this Petition was signed by 2,000 persons, for he was convinced that his noble friend might readily find in this metropolis, or any other city, more than 2,000 persons of the lower classes, who would be extremely desirous to be supported and maintained at the expense of the superior orders of society. His noble friend had more than once accused him of speaking with warmth on this subject; he would abstain from doing so on the present occasion, and was always ready to say, that he believed that his noble friend was actuated by the purest views in the course which he had taken upon this subject. He appeared, however, to have shifted his ground considerably since he first brought this question under the notice of their Lordships. At first his noble friend professed to have nothing in view beyond the introduction of a provision for the aged and decrepid; but now he says, he does not think that that would be sufficient—that we must go much further—and that something more must be done than merely to introduce a provision into Ireland for the support of the aged and infirm poor. In fact, his noble friend now advocated the introduction into Ireland of a system of compulsory provision for the poor generally. He trembled at such a doctrine, for it left the door open to the introduction of all the abuses which at present existed under the English system of Poor-laws. If his noble friend would turn to the 43rd of Elizabeth, he would see what precautions were there taken to guard against abuses. These precautions however had proved unavailing, the abuses had crept in gradually, and now they had risen to such a magnitude, and let in such a torrent of misery upon this country, that in many places the rents of the landlords had been completely extinguished. In reference to the prayer of this Petition, for the extension of Poor-laws to Ireland, he would mention an anecdote, which appeared to him not inapplicable. In the middle of the last century, a religious dispute arose among the inhabitants of Magdeburgh, as to whether sinners would be hereafter punished in purgatory, or damned to all eternity. The dispute was referred to Frederick the Great for his decision, who replied, "if my good subjects of Magdeburgh like to be damned to all eternity I can have no possible objection to their being so." So he said to those petitioners—if they were so desirous to have the English Poor-laws, with all their multiplied, oppressive, and vexatious abuses, he had no objection to their undergoing the infliction; but he besought their Lordships to make a distinction, and not allow the petitioners to apply the same curse to other persons. He was not ill-natured, but he must say, that if the people of

Ireland would have the English system of Poor-laws introduced amongst them, it would not be painful to him to see them writhing under the sufferings which he had no doubt those laws would shortly produce there.

The Earl of *Darnley* explained, that he had hitherto advocated the introduction into Ireland of a compulsory provision for the aged and infirm only, but late circumstances had induced him to doubt whether it would not be necessary to go much further.

POOR-LAWS IN ENGLAND.] Lord *Teynham* said, he rose to claim their Lordships' attention to several Resolutions which he had to propose respecting the Poor-laws, and their administration. Their Lordships, he was sure, would agree with him in thinking that the subject was of great magnitude and consequence, and they would permit him to occupy a portion of their time, while he explained his views regarding it, and presented to their notice the suggestions which appeared to him calculated to remedy the evils which all persons now admitted to be interwoven with the existing system of those laws. They took their rise in England in 1601, by the Act of the 43rd of Elizabeth, which laid the foundation of that system which had since prevailed in this country. There had been, however, in the reign of Edward 6th, a beneficial principle in action for giving relief to the aged and infirm poor, and also to provide labour for those who were unable to find it; but this last part of the system it was found impossible to carry into execution, and the magistrates and overseers substituted the practice of giving the distressed labourers money and food, instead of finding them work. The Act of Elizabeth was an extension of this system to the whole kingdom. It was from this practice of giving money, thus early begun, that at length the operation of the Poor-laws became intolerably oppressive. At present, from every part of the country there went forth the most grievous complaints. In fact, these laws were now used to measure out the means of subsistence to the labouring classes, whose wages were made adequate to their maintenance by payments from the Poor-rates. In the year ending the 5th of April, 1830, the average assessments on account of these rates was equal in some places to the whole produce of the parish. He knew that from twenty-five parishes in the county of Kent the sum of 35,000*l.* was collected, so that it was now scarcely possible to provide subsistence for the growing mass of pauperism. The rate amounted to 12*s.* 6*d.* in the pound, and in many places parishes were assessed at one-half their value. During the same period, 1,507*l.* 15*s.* were collected from the reputed fathers of bastard children. In fact, so depreciated had agricultural produce become of late, that even with the Poor-laws, relief could not be given to the numerous applicants, and there was little probability of collecting sufficient money next year to meet these demands. Whence arose such alarming evils, which weighed down the energies of a nation, boasting to possess the highest moral attributes of any nation in the world? The National Debt, and our enormous load of taxation were at the root of this evil. The national resources might be compared to a beautiful tree which had outgrown its strength, and must now have its branches clipped, or it would wither and decay if a new impulse could not be given to its vegetation. The Legislature had committed great errors in past times, and it ought now to repair them. When we diminished our war expense, we also circumscribed our currency, without at the same time economizing our public expenditure as rigidly as we ought to have done; so that taxation went on, as our means of meeting it decreased. The burthens fell heavily upon agriculture, and it could not bear up under them. The twenty-five parishes in Kent, to which he had alluded might be taken as a fair criterion of the condition of the greater part of that county, of Hampshire, and Sussex; and it could not be expected that we should be able to go on much longer in the collection of rates from such impoverished communities. The renters of land could not pay them; and if Government did not provide for the payment of them, the social system would be dissolved. If their Lordships and other great landholders, should be unable to meet the growing evil, they must give up their lands to the people to cultivate for their subsistence. Whence then would rent and taxes be obtained? Either their Lordships must provide some remedy for this appalling evil of growing taxation, or the land would be thrown back on their hands. Mr. Pitt, Mr. Wyndham, and other statesmen, devoted their zeal and energies to a mitigation of the evils of the Poor-laws. Mr. Ricardo, who was a great authority upon such matters, said, that we ought to abolish in toto, the latter provisions of the Act of Elizabeth, and leave those who were unable to provide work for themselves to the voluntary charity of the public. The plan, however, which he wished to have well considered was, whether means could not be devised for enabling the population to subsist on their own industry; and he believed that this might be achieved, were the Government to revise the whole system, the administration of which would be more provident, if, together with the turnpike roads, the whole were taken into the hands of Government. The county-rates, now very ill administered, amounted to a million and a half sterling, and were moreover most unequally assessed, being collected on the poor-rate assessment, which varied in every parish. These county-rates should, in his opinion, be paid out of the general revenue of the public, and the business of counties, together with the turnpike roads and bridges, should be taken into the hands of Government, and managed by a Board of Commissioners of Roads and Bridges. The average relief given to the poor in 1821 was 6*s.* 5*d.* per head per week; it was by the last returns less; and the overseers in many places declared, that they made the paupers as miserable as possible, in the hope of getting rid of them. The returns of the number of people who depended on the payments made under these Poor-laws presented a frightful spectacle. In fact, from the year 1823 to the year 1830, the number of persons having claims on these rates greatly exceeded the ratio of the numerical augmentation of the population in the same time, and every successive return shewed greater difficulty in raising the money necessary to provide for them. He held in his hand certain returns which would show the progress of this most fatal system. He would begin by shewing the depreciation in the price of labour, as evinced by a comparison between the year 1791 and the year 1827. In 1791 the price of wheat was 56*s.* 1*d.* per quarter; the population amounted to 8,700,000; the malt then brewed to 27,900,000 bushels; the poor-rates, to 730,000*l.* the price of weaving twenty-four yards of calico (ell wide), was 40*s.* 6*d.* In 1827, wheat was 60*s.* per quarter; the population amounted to 13,500,000; the malt brewed to 25,000,000 bushels only; but the poor-rates were 7,800,000*l.* and the price of weaving twenty-four yards of calico only 6*s.* 9*d.* In 1830 the population would probably amount to 14,000,000, and only 23,000,000 bushels of malt were brewed. The Poor-rate returns were not laid on their Lordships' Table, but the amount would most probably not fall short of 10,000,000*l.* In the comforts of house-room for the labouring classes there was also a dreadful diminution. In the year 1690 1,300,000 houses were assessed to the hearth-tax, the population then being 5,500,000. In 1821, 2,000,000 of houses only were assessed to the house-tax, of which 800,000 were rated under 10*l.* a year, with an increased population of 12,000,000. In the county of Kent, in 1821, there were 85,000 families, and 70,000 inhabited houses, leaving 15,000 families who had no houses, while there were 3,186 houses uninhabited. In that county, for the same year, the rental was 868,000*l.*, the-poor rate 392,253*l.*: one-fourth of the parishes had select vestries and assistant-overseers, Poor-law clerks, and a whole system of that kind. In 1815, 895,700 families received parish relief in England, five persons to each family; making 4,478,500 persons relieved, or more than one-third of the whole population; 90,000 of these families were living in workhouses; five persons to each made 450,000 persons living in the workhouse, deprived of every domestic and every social comfort. The Post-office had, during the same time, continued stationary in revenue, though the rates had been raised, and the population doubled. There was also a lamentable comparative decrease in the consumption of tallow, shewing that the poorer classes were almost deprived of candle-light, and of course had lost all that work which could be accomplished by artificial light. In the consumption of tea there was a decrease also, and a wretched drug, manufactured from ash and sloe leaves on copper plates, was now nearly the only drink of the people, except deleterious and British-made spirits. The increased consumption of several articles bore no proportion to the increase of the population, which since 1800 had been more than forty per cent. In that year, 1800, the consumption of tea was 23,400,000 pounds; in 1823 it was 27,700,000, and in 1829 only

30,500,000. During the late war he had the honour of communicating with Mr. Pitt and Mr. Dundas upon these matters, and though they were alive to the consequences of this system, nothing was effectually done to abate the evil. It was not then felt so severely as at present, the price of wheat was high, the agents of the country bankers were to be seen at the fairs, pressing their bank-notes upon the farmers. Their Lordships ought to endeavour, by legislative means, to produce a great change in the present system, which, if left unaltered, would grow worse and worse, until it realized the most frightful apprehensions. The productive industry of the country was unable to rally under the weight of taxation and Poor-laws, as was evident from the consumption of the necessaries of life not keeping pace with the advance of population. With respect to the degree of pressure upon Kent, he wished to observe, that the Kentish men would feel a great relief from the repeal of the Hop-duties; they were not worth retaining on the part of the Government, and abolishing them would be a great advantage to the people. If their Lordships looked to the details of the Quarter Sessions, they would see the necessity of something being done to amend the administration of the Poor-law; and be convinced that the Government ought to appoint a Board of Commissioners, to aid in the accomplishment of the desired object. He did not mean to say any thing further on the subject, than merely to express his hope, that the Resolutions he had to propose might be printed, even though no day should be named for taking them into consideration. He would beg leave further to observe, that by having a Board of Commissioners to look after these local concerns, a better system of management would be introduced, much useless labour and expense would be saved, and the surplus poor of the parishes employed in a regular and advantageous manner. At present, the debt on the turnpike roads of the kingdom amounted to about 6,000,000*l.* bearing an interest of five per cent. Government could borrow that money at two-and-a-half per cent. The amount of tolls raised was about 2,500,000*l.* half of which was expended on the bills of country lawyers, toll-keepers, money-lenders, Acts of Parliament, &c. It was, perhaps, the most vicious system of internal organization that ever existed in any country, and ought to be immediately abrogated, being inapplicable to our condition. In conclusion, he would beg leave to read the opinion of an able lawyer, who wrote in the days of King Henry 7th, when the peasantry of England were proud and happy, and the word "pauper" was unknown among them. Fortescue said, in his work "*De Laudibus Legum Angliæ*," c. xxxvi. p. 83:—"Every inhabitant is at his liberty fully to use and enjoy whatever his farm produceth, the fruits of the earth, the increase of his flock, and the like: all the improvements he makes, whether by his own proper industry, or of those he retains in his service, are his own to use and enjoy, without the let, interruption, or denial of any one: if he be anywise injured or oppressed, he shall have his amends and satisfaction against the party offending; hence it is that the inhabitants are rich in gold, silver, and in all the necessaries and conveniences of life. They drink no water, unless at certain times, upon a religious score, and by way of doing penance; they are fed in great abundance with all sorts of flesh and fish, of which they have plenty every where; they are clothed throughout in good woolens; their bedding and other furniture in their houses are of wool, and that in great store; they are also well provided with all other sorts of household goods, and necessary implements of husbandry; every one, according to his rank, hath all things which conduce to make life easy and happy." His Lordship then moved a series of Resolutions, the chief of which were as follows, the remainder being mere hints as to the details which would be necessary. To repeal the Act of 43 Eliz. c. 2, entitled, "An Act for the relief of the Poor" from and after ——— and all Acts passed since that period, that relate to the duties of overseers' assessments under the Poor-laws, Settlement laws, or Acts relating to bastards, and the maintenance of bastard children. And to declare and enact that from and after ——— all such duties of overseers, and all such Acts shall cease and determine. And it shall be enacted, that a rate for the use and maintenance of the lame, impotent, old, blind, and others, being poor and unable to work, also for orphans, or abandoned children, also for putting out such orphans or abandoned children apprentices or servants to various trades, &c. shall be raised monthly by assessments on all lands, tithes, houses, woods, or commons, factories, mines, canals, railways, wharfs, docks, that shall exist in each county, according to the averaged value per annum, half of the said rate to be paid by the owner or landlord, the other half by the tenant or occupier. That in order to carry this law into effect, the magistrates at the Quarter Sessions next ensuing, shall elect an officer to be called "Inspector of the Poor-laws of the county of ———," with a salary of — per annum, who shall give sufficient security for the due discharge of the trust reposed in him. And also the said magistrates shall divide the said county into proper districts, according to the number of their Petty Sessions, and appoint a sub-inspector to each district, under like terms. The decision of all cases to be left to the Magistrates, and their awards at Sessions to be final, and no lawyers allowed to interfere with the business, or plead before them.

"All persons to be considered entitled to the relief herein specified, who shall be hereafter born in any parish of the said county, or were residing therein for the year ending January 1st, 1830, if unable to prove their birth in any other parish. In case of disputes between any two counties, on any matter contained in this Act, arbitrators to be chosen from the Magistrates of an adjoining county, not interested in the said dispute, whose award to be final.

"Sub-inspectors to keep a book for each parish to enter the names, age, &c. of those able-bodied men who want work, and to make a Return of the same to the Inspector, who shall communicate with government public works, &c. commissioners of highways, and others who want labourers, and give the requisite information to each parish, so as to cause a general circulation of labour where it is wanted.

"A Bill also to be passed, creating a compulsory friendly society in each parish, in which the assessment shall never exceed, upon all property aforesaid within the said parish, the sum of 6*d.* in the pound; which society shall have the clergyman of the said parish as its chairman, and all rate-payers as its members, also every labourer and mechanic who chooses to pay 6*d.* per week to the said fund, and a given number of the said subscribers to be members of the said society. Out of this fund all cases of want and distress amongst the subscribers are to be relieved. A rural guard to be constituted in each county, and a King's attorney appointed in each to conduct all prosecutions; the expenses of all trials to be paid by the county."

The Duke of *Wellington* did not rise to express an opinion on the many points touched upon by the noble Lord, but to suggest the propriety of his withdrawing his Resolutions, and bringing forward, should he feel so inclined, a substantive motion, in relation to the very important subject of the Poor-laws. The noble Lord could not, perhaps, confer a greater benefit on the country than a revision of those laws, and should he propose any plan of amendment, he (the Duke of Wellington) would give it his best consideration. But the Resolutions which the noble Lord then proposed, went, instead of directing their Lordships' attention to the practical defects, and the practical remedies for the defects, of the existing Poor-laws, to the considering a number of important questions and measures, each of which required minute investigation. The noble Lord first proposed, as a resolution, that they should relieve all the poor—a resolution, no doubt, very desirable, if it could be accomplished; —next, that they should have a new system of County-rates; that they should have a new system of Poor-rates, a subject of vast importance, and which should be disembarrassed as much as possible from every other;—that they should have a new system of road-making, so far as the employment of the poor in the formation of roads was concerned; —that they should have a new system of parishes;—and that they should have a new compulsory system of friendly societies —all subjects of importance, each well worthy of their Lordships' attention; but as such very unfitting to be presented in the gross in the manner of the noble Lord's Resolutions. He trusted, that without further remark, the noble Lord would see the expediency of withdrawing his Resolutions, and, if he would, of bringing the subject before the House in a more substantive form.

Lord *Teynham* said, that he would act on the suggestion of the noble Duke, and withdraw his Resolutions.

HICKSON'S DIVORCE BILL.] The Bishop of *London* obtained leave to bring in a Bill to Dissolve the Marriage between Elizabeth Hickson and Thomas Buxton. The case was one, he said, of such a peculiar nature that he expected the willing support of the House to his measure. The lady was an infant in law, and was inveigled into a marriage by a regular conspiracy; in fact, the case was one of conspiracy and abduction; and though the marriage had not been consummated, its having been solemnized prevented the receiving of such evidence as would show informality in the proceedings before the ceremony. In the present instance, the banns were published sixty miles from the residence of either party, but according to the law this circumstance could not, as he had stated, be received in evidence. Hence the necessity of the present measure.

The *Lord Chancellor* said, the facts contained in the Petition were of such a nature as to call upon their Lordships to interfere. The question as to the nullity of the marriage would remain to be decided hereafter.

The Bishop of *Bristol* cordially concurred in the propriety of bringing in the Bill as the only means by which the conduct of the parties could be investigated, but if it should turn out that the marriage had been legally contracted, he saw no ground on which their Lordships could be authorised to declare it null and void.

East Retford Disfranchisement Bill.] The hearing of evidence on this Bill was resumed, and the examination of witnesses continued till nine o'clock. Several witnesses, freemen of the borough, deposed to their having received packets, containing twenty guineas each, for their votes at East Retford, and to the evidence of general corruption.

HOUSE OF COMMONS,

Tuesday, May 11.

Minutes.] Mr. Hume brought in a Bill to abolish all Fees and Stamp Duties chargeable on the renewal of appointments on the Demise of the Crown. The Bankrupt Laws Amendment Bill was read a second time. Mr. O'Connell brought in a Bill for the better securing the Charitable Donations and Bequests of Roman Catholics in England and Wales—Read a first time.

Returns ordered. On the Motion of Mr. Byng, of the Sums received and expended in 1827, 1828, and 1829, by the Commissioners for Watching and Lighting the various Hamlets, and Districts, and Estates in the neighbourhood of St. Pancras:—On the Motion of Mr. J. Wood, all Fees payable for the renewal of Commissions or Warrants on the Demise of the Crown, specifying to whom the Fees are paid, and to what purposes they are applied:—And on the Motion of Mr. D. W. Harvey, the number of Informations filed in the Courts of Equity by the Attorney-General at the instances of the Commissioners appointed to inquire concerning Charities in England and Wales, from the 1st of March, 1829, to the latest period; specifying the names of the defendants, the object of each proceeding, the result of each cause terminated, the costs incurred, and by whom, and to whom paid, and the present state of the Causes in progress:—Also, the number of Petitions preferred by the Attorney-General at the instance of the Commissioners:—Also, Detail of those Cases in which inquiry has restored dormant rights, or rectified abuses found to exist, in continuation of the Returns ordered by the House of Commons to be printed on the 1st of May, 1828 [Paper 292], and 22nd of May, 1829 [Paper 270]:—Also, Return, showing what further proceedings have been taken in the several Causes set forth as unsettled, or pending, in the said printed Returns, specifying the result of each cause terminated; the amount of costs subsequently incurred, and by whom, and to whom paid, and the present state of each cause in progress:—The total amount of Money which, since the appointment of the said Commissioners, has been advanced by the Treasury on account of the costs of such proceedings, and the total amount which has been received from parties, or out of the charity funds to reimburse such costs; specifying whether such costs are taxed, and by whom the disallowed portion of costs is paid, and the total amount of such disallowance:—All Fees or Emoluments received by the Clerks of the Judgment-office, or other Officers of the several Courts of King's Bench, Common Pleas, and Exchequer, at Westminster, for searches for judgments during each of the last seven years, ending 1st January, 1830, setting forth the number of searches made, and total amount paid in each year respectively, by whom received, and in what manner appropriated:—And also, the names of the persons who received such fees, and stating whether any of the official duties are discharged by deputy, their names and emoluments, by whom appointed, and by whom compensated.

Petitions presented. For the abolition of Slavery in the Colonies, by Lord Milton, from Protestant Dissenters at Halifax, Leeds, Warley, Wakefield, Wortley, Kirby Moorside, Farsley, and at Sheffield. Against the renewal of the Insolvent Debtors Act, by Mr. Robinson, from Worcester. Against Suttees, by Mr. Easthope, from Protestant Dissenters at Sheffield. In favour of the Jews Relief Bill, by Lord Ebrington, from the Inhabitants of Exeter. For the abolition of the Punishment of Death for Forgery, by Lord Milton, from the Merchants, Bankers, and Manufacturers of Huddersfield:—By Mr. Easthope, from Protestant Dissenters at Sheffield:—By Lord Brecknock, from Bath:—By Mr. Monck, from Reading. Against the employment of Children in Spinning Factories, by Mr. Hobhouse, from the Inhabitants of Great and Little Bolton, and from those of Oldham:—By Mr. W. Smith, from the Spinners of Lees. Against the Duties on Coals imported into Ireland, by Mr. S. Rice, from the Manufacturers of St. Michael's and St. John's, Dublin. Against the Duty on Coals carried Coastwise, by Sir T. D. Acland, from the Inhabitants of Teignmouth. For a protecting Duty on Foreign Lead, from certain Inhabitants of Tavistock, by Lord Ebrington. Against the Poor-law Amendment Bill, by Mr. W. Smith, from the Guardians of the Poor at Norwich. Complaining of the regulations with respect to Surgeons in Ireland, by Mr. S. Rice, from the Surgeons of Clonmel. Against the Sheriffs' Courts, Scotland, by Lord Althorp, from John Denny. For a better distribution of Poor Rates, by the same noble Lord, from the Rate-payers of Kettering. For an inquiry into Corporation Property (Ireland), by the same noble Lord, from Thomas Flanagan. Against the increase of Duty on British Spirits, by Mr. H. Drummond, from the Freeholders of Stirlingshire; and from the Clackmannanshire Agricultural Society. Against the renewal of the East India Company's Charter, by Sir C. Hastings, from the Inhabitants of Leicester:—By Lord Ebrington, from the Inhabitants of Buckfastleigh and Dean Prior. Against Distillation and the Licensing System, by Mr. H. Davies, from Lieut.-General R. P. Clayton:—By Mr. C. Ferguson, from certain Spirit Dealers in Scotland. For the improvement of the Vagrant Act, by Mr. Egerton, from certain Justices of Peace in Cheshire. For establishing Poor-laws in Ireland, by Mr. Egerton, from Hungerford. Against the Duties on Soap, by Mr. Hume, from a Soap Manufacturer at Glasgow. Against Church Patronage in Scotland, by Mr. Hume, from Lismahago. In favour of the Beer Bill, by Lord Milton, from the Inhabitants of Huntingdon. Against the Bill, by Sir W. Heathcote, from the Publicans of Alton and Alresford; and from the Inhabitants of Basingstoke:—By Sir E. Knatchbull, from the Publicans of Rochester and Chatham; and Canterbury, Ashford, and Feversham:—By Mr. Littleton, from the Publicans of Walsale:—By Colonel Davies, from the Publicans of Worcester:—By Mr. Fellowes, from the Vicar, Churchwardens, and Inhabitants of St. Ives:—By Mr. Monck, from the Publicans of Wokingham:—By Mr. Sanderson, from the Magistrates of Colchester, and from the Publicans of Colchester and Harwich:—By Mr. Hobhouse, from Householders in St. Giles's and St. George's, Bloomsbury:—By Sir H. Vivian, from the Publicans of New Windsor and Eton:—By Mr. W. Smith, from Publicans at Norwich:—By Mr. F. Palmer, from the Inhabitants of Reading:—By Mr. Warburton, from certain Publicans at Bridport:—By Mr. Dickinson, from Publicans at Wiveliscombe and Milverton, Somersetshire. Against the New Stamp Duties (Ireland), by Sir H. Parnell, from the Inhabitants of Montmelick:—By Mr. S. Rice, from the Letter-press Printers of Limerick and Clonmel:—By Mr. O'Connell, from Cappoquin; and from the Hibernian Joint Stock Banking Company:—By Mr. O'Hara, two Petitions from the Printers; and from the Merchants of Galway:—By the Chancellor of the Exchequer, from the Inhabitants of Armagh. In favour of the Galway Franchise Bill, by Mr. O'Connell, from the Barristers connected with the Town of Galway. For a fair, equitable, and permanent Commutation of Tithes, by Sir T. D. Acland, from the Freeholders of the County of Devon assembled at a County Meeting. For a repeal of the Parish Vestry Act (Ireland), by Mr. O'Connell, from Cork, Kilmahon, New Ross, and the united Parishes of Kilmore, Kiltark, Tomhaggard, and Molranean. Against the Tithe Composition Act, by the same hon. Member, from Aglis, New Ross, Treshford, Lisdowny, and Ballyeagget. Against the Sub-letting Act, by the same hon. Member, from New Ross. Against the new Duty on Tobacco, by the same hon. Member, from Thomas Brodyar, of Pilltown. For Relief under Distress, by Mr. Davidson, from Cromarty. For a Reform of Parliament, by Lord Milton, from 14,000 persons at Leeds. By the same noble Lord, from Rotheram, for a reduction of Taxation. Against the Deserted Children (Ireland) Bill, by Colonel Rochford, from the Inhabitants of Mullingar.

POLICE TRIALS — IRELAND.] Mr. O'Connell moved for a copy of the Coroner's Inquest upon the body of Daniel Naylan, for whose alleged murder in Miltown Malbay, county of Clare, on the 29th of June, 1829, a policeman, named William Ferguson, was tried and acquitted.

Mr. *Doherty* said—Sir, in the absence of my noble friend, the Secretary for Ireland, I cannot permit this Motion to be put without offering a few observations. I am much surprised to see that the hon. and learned Gentleman should bring it forward as a matter of course, and that he should call upon the House for these documents without laying down the grounds upon which they should be granted.—This Motion, Sir, has come upon me without notice; I was altogether unprepared for it; still I must raise my voice against it, for it would tend to convert this House into a Court of Appeal, in all criminal cases, from the decision of Juries in Ireland, and consequently, if this is to be tolerated, there are no cases which might not, upon the simple motion of a Member, be brought up to this Court, as if it were to a Court of Review. Now my attention has been drawn to this by a notice I have seen upon the books of the House of Commons, stating that the hon. and learned Gentleman will move for the depositions of certain witnesses, and for a copy of the Judge's notes who tried the case respecting which he moved, and several others. To me, Sir, this appears to be the most monstrous thing that was ever attempted. The hon. and learned Gentleman told us, that on no one evening—on no one moment would he be absent from his place, or from this House; but, Sir, there was a very important evening on which he was not only not in his place, but not in this House, and this, Sir, was the evening on which the hon. member for Mallow gave notice that he would move for certain papers respecting those persons who were tried for the Doneraile conspiracy. Now, Sir, to all who have lived in Ireland—to all who have observed what has taken place there for many months past, it must have been a matter of notoriety that this was a question to which the hon. and learned Gentleman stood pledged; and it was an occasion on which I fully and anxiously expected to meet the learned Gentleman face to face, because he had made the strongest allegations against my personal character (and highly as I do, and I trust ever shall, regard my personal character) because he had done that which affects me still more nearly, he had brought a charge against the pure administration of justice in Ireland. I had, therefore, a right to expect he would be in his place to bring my conduct, or, as he had threatened, to drag me before this House—I looked for him, but he was not to be found. Why is it, however, that I introduce this now? To tell the hon. Gentleman that if he had been present, he would have heard a discussion upon the propriety of moving for the notes of a Judge. And here, be it remarked, the objection was not made on the part of the Government, for it had nothing to fear and nothing to conceal; but it was objected to the proposition by an hon. friend of mine, and I cannot refrain from now expressing my surprise that such a proposition should be made by a lawyer of thirty years' standing; it was objected, Sir, by my hon. friend, that although cases so strong might occasionally arise as to induce the House to violate the principle, yet that there was no instance whatsoever in which a Judge's notes had been produced before us, and that such a proceeding could never be justified, except upon the strongest grounds. Now, this becomes personally interesting to me, and I will tell the House why it becomes so. I am not, Sir, in the habit of entertaining suspicions of the conduct of hon. Members of this House; but when I clearly see a man meditating a retreat, and if he at the same time happens to be a lawyer, applying to his object all the cunning and dexterity supposed peculiar to his profession, I curiously watch every stone he lays down to construct the bridge on which he intends to run away. But now, Sir, I have at length driven the hon. Member by my taunts, again and again repeated, to take something like a decided course. I have compelled him, for the first time, to take courage in this House, and he has told you—"I will bring forward my threatened Motion about the Doneraile Trials if the House will grant me these documents for which I ask; but if not, I will let the matter fall to the ground"—and then, after twenty-four hours' deliberation, what does he do? He moves for documents so contrary to all the principles and practice of conducting the business of this House, that, however anxious we may be to comply with his Motion, we cannot grant them without a violation of all those rules which should guide us as lawyers and Members of Parliament. Thus it will appear, the learned Gentleman has laid down two steps for his escape. He has given notice of a motion upon the subject; and he has told you he cannot go on without certain documents, which, if you grant not, his motion must fall to the ground. Now, Sir, his allegations depend upon facts that are public and published in documents which are before the House, and all of which I admit. The hon. and learned Gentleman has said, that I acted on information that I ought not to have followed, and that I allowed witnesses to swear to certain things which I knew to be false. Sir, I did hold a brief not containing things which it ought to have contained; and witnesses did swear things that I had no reason to expect. And, admitting this, I confidently appeal to the House, if it were likely that I should abuse the high office with which I had been intrusted for the purpose of producing the conviction of innocent men?—The learned Gentleman has declared that he has two distinct charges to make against me. First, that I have wielded the powers of my office for the protection of the guilty. The next and deeper charge is, that I, in concert with others, as honourable and high-minded gentlemen as ever belonged to the legal profession, formed a league to produce the conviction of innocent men, while even the conspirators were in possession of documents to prove the perjury of the witnesses we had to bring forward on the part of the Crown. These are the charges—and I admit the facts on which the hon. and learned Gentleman founds his allegations. I will not trouble him about documents; and more, I would suffer him, unheeded and unanswered, to make any assertions respecting me he pleased, if my own character alone were implicated. I would not trouble the House with any defence, for there is something here that tells me there is not a second Gentleman present who would believe it possible that I could be guilty of the conduct attributed to me by the hon. and learned Gentleman.—He has unsparingly brought charges against me in taverns—in the streets—before the rabble—before those amongst whom I go, not a volunteer, but as a delegate of the Lord-lieutenant, with important and sacred duties to perform, which, I trust, I do perform faithfully, fearlessly, and, also I trust, notwithstanding the assertion of the learned Gentleman, mercifully. They are duties in which I can be swayed by no personal feeling, actuated by no improper motives. This, I maintain, for the character of public men, is public property. And if such be the case in this country, it is far more so in Ireland, with respect to those who are connected with the administration of justice. And I further trust, that, whenever the learned Gentleman shall find courage to bring forward his Motion, I shall be able to prove the utter falsehood of his daily and ordinary slanders.

Mr. *O'Connell* said, the Motion he brought forward referred to an occasion upon which one of the King's subjects lost his life; and, continued he, I should have been ready to explain all the circumstances connected with the case, as well as my object in submitting the Motion to the House, if the hon. and learned Gentleman had asked me a question on the subject, instead of indulging the House with a tragical display. If he had asked, I would have told him that I wanted this document to throw light upon the Constabulary bill; and I would have told him that, in this case, a policeman was allowed to remain in gaol for six weeks, although it was known to his corps he was guilty, and yet not one of them came forward to give evidence upon the Coroner's Inquest. Sir, I believe all the parties, thus guilty, remain unpunished up to this day. I do not impugn the verdict, for the man was rightly acquitted; but I object to the system under which such things can be; and I will not be deterred from doing my duty fearlessly by any man, however he may be supported. In saying fearlessly, I allude not to that species of courage which is recognized in a court of honour, and of which I know nothing. There is blood upon this hand—I regret it deeply—and he knows it. He knows that I have a vow in Heaven, else he would not have ventured to address me in such language, or to use those taunts, which in this House he has safely resorted to.—He knows it, and there is not one man in the circle of our acquaintance but knows it also, and knows at the very same time, that but for that vow he dare not address me as he has done [*cries of Order from all parts of the House.*] I retract. He has attacked me for not being present at the time when the member for Mallow made his motion. The accident which prevented me from being present was, that the House had sat until four o'clock in the morning, and in consequence, I was not here in time for the motion. Let the hon. Member take advantage of that absence, and use it to enhance his triumph as much as he can—let him triumph in his declaration that he was anxious to meet me face to face; but the member for Mallow will support me in the statement that his motion was not intended to be directed against the conduct of the hon. and learned Member. The hon. and learned Gentleman has made a speech in anticipation of the motion of to-morrow, and then he talks of a retreat. I should like to know who is retreating now? He who promises to bring forward his motion to-morrow, or he who wishes to anticipate it by a speech to-night? The hon. Member says that a Judge's notes have never been called for. I mean to call for them. They are not such sacred things as to be forbidden. The Chief Justice of the King's Bench sends his notes of a trial to the Barons of the Exchequer, when he tries a case out of their Court, and the Chief Justice of the Common Pleas sends his notes in the same manner to any other Court. They are, in fact, regular legal documents, fit for the inspection of any public assembly, as much as any documents whatever. I know of no reason why they should be refused. I mean to apply for these notes, because it shall not be said I am looking for particular parts of the case, and that I do not look for authentic documents. I care not whether they are granted or not, as far as the case is concerned. If they are granted, I shall get the most authentic documents; if not, I must be content with getting as good information as I can. I have felt it to be my duty to arraign the proceedings in the Doneraile conspiracy, and if I had thought that this House was at leisure to have before entertained the matter, I should have brought it forward at an earlier period. What should I have brought forward? That conduct which put the lives of fourteen farmers—every one of whom was innocent—into jeopardy The hon. and learned Gentleman is mistaken if he believes that I arraign his individual conduct at Cork, but I accuse him of such conduct here as appeared to be affording countenance and authority to the conduct of the Magistrates there. The question I intend to bring before the House is, how far the Counsel for the Crown have a right to be in possession of evidence, which they know will tarnish the character of a witness for the Crown, and not to make the Judge and the jury acquainted with the fact. They ought to be permitted to have that information, for a conviction is not that which the Crown ought to go for, but the discovery of innocence or guilt. It is my intention, therefore, to raise an important legal question. If the Magistrates were wrong, they should be warned not to repeat such conduct; if they were legally right, the practice ought to be altered, and and such a plan put an end to. The hon. Member then detailed some parts of the case, stating that the Magistrates had spies in their pay, who knew of all the circumstances of the intended crime, and neither prevented its being committed nor warned the persons who were to be the victims, and yet these very Magistrates were afterwards allowed to put the lives of these persons in jeopardy. He said that he only wanted to get a fair insight into the whole affair, and those who countenanced the Magistrates would deserve censure, while those who had not done so would be exonerated. He then noticed the Borris-o'-Kane trials, and said that the conduct of the Magistrates in that affair had been just the reverse of what it had been in the other instance. It was impossible they could be right in both. He was able to prove the facts at the Bar, and would do so if he were not prevented. This was the sixth or seventh time he had been taunted on this matter; he had submitted cheerfully and readily to the taunts, but he was not the less firm in his determination to bring the whole matter under the consideration of the House. His object was, to bring before the House the evil of having a system of Police, in which the men were armed with deadly weapons, and where the least resistance to their authority, however capriciously exercised, must be attended with death. In this country the officers, being only armed with staves, gave those who resisted them a beating, and they were afterwards punished for their resistance in a legal way. The hon. Member, in conclusion, withdrew his Motion.

MR. WILLIS'S CASE.] Lord *Milton* said, that he thought this not an unfit time for him to draw the attention of the House, and of his right hon. and gallant friend opposite, to the case of Mr. Willis, who had intrusted him with a Petition. That gentleman had held the office of Judge in Upper Canada, and had been suspended and removed by the Governor, in consequence of an opinion he had expressed relative to the constitution and power of the Court of which he was a member. By the Act which established that Court, it was provided that it should consist of one Chief Justice, and two Puisne Judges. Soon after Mr. Willis joined the Court, the Chief Justice obtained from the Governor leave of absence from the colony, and accordingly quitted the country, leaving the duties of the court to be performed by the two Puisne Judges. In the course of the performance of his duty, it occurred to Mr. Willis to inquire into the legal constitution of the Court, and whether the Judges could legally carry on business without the presence of the Chief Justice. Whether the conclusion at which Mr. Willis arrived were correct or not, he meant to express no opinion—it was sufficient for him that there was a reasonable doubt on the subject; and he thought it would hardly be said by any hon. Member, that this was a case of no doubt, and that Mr. Willis's opinion was clearly wrong. Mr. Willis complained to the Governor of Upper Canada, that by the provisions of the Statute it was impossible for him to sit in Court, and act in his judicial capacity, without the presence of the Chief Justice. The Governor and Council replied, that such being his opinion, they certainly could not call on him to do so. In consequence of that, however, the business of the Court ceased, and the Governor shortly afterwards suspended him from his functions. He would not arraign the conduct of the Governor of Upper Canada for thus suspending Mr. Willis; but it could not be denied, that there was something irregular in the manner in which the Governor had proceeded. By the constitution of the Colonial government Mr. Willis could not be removed from his judicial situation without the joint authority of the Governor and Council; but in the present instance, the Governor announced his decision on the 26th of June, 1828, under his own authority; and on the 27th of June, the Council confirmed the previous act of the Governor. Upon this Mr. Willis returned to England, and applied to the office of the Secretary for the Colonies—an office held, he believed, at that time, by his right hon. friend; Mr. Willis was there told, that the matter was one which must be referred to the Privy Council, and it was accordingly sent before them. The members of the Privy Council came to a different conclusion from that to which Mr. Willis had arrived, and their opinion certainly exposed him to animadversion for his erroneous opinion; but when it was considered that the Statute said positively that the Court should consist of the Chief Justice and two Puisne Judges, it must be admitted that Mr. Willis's doubts upon the legality of his sitting without the Chief Justice were not entirely devoid of foundation. The question was one of the gravest importance to that Gentleman, for, if his opinion were right, he could not sit in Court without rendering himself liable to a prosecution for false imprisonment, or even for murder, if he pronounced sentence of death without sufficient authority, in consequence of the Court not being legally constituted. He stated that circumstance to show that it behoved the Judge to act with the greatest circumspection. He did not blame the government of Upper Canada for taking measures to ensure the regular administration of justice after Mr. Willis had refused to sit in Court. Nor did he complain of the decision of the Privy Council, for, with the lights they had, they could hardly be supposed to have come to a wrong conclusion. His object simply was, to bring the case of Mr. Willis under the consideration of the House, and under that of the Government to whom he must look for redress.

Sir *George Murray* said, that the House would, he hoped, excuse him for trespassing on its attention for a short time, while he gave an explanation of this subject; for in his mind there was no circumstance of more importance than one which affected the conduct and treatment of a Judge. It appeared to him that the respect due to the judicial station and to the abilities and learning of men who were selected to undertake it was such, that the removal of any one of them from his high office rendered it proper that the circumstances occasioning it should be brought under the consideration of the House. He was happy that this Petition of Mr. Willis had been placed in the hands of the noble Lord opposite, whose character and conduct were so highly and so deservedly respected by the House, and who was able to give every effect to a petition thus intrusted to him. It might be proper for him to enter a little into the history of Mr. Willis. That gentleman had been recommended to his office by Sir C. Wetherell, at that time Attorney-General. Soon after he went out to his office as a Judge, in Upper Canada, the Chief Justice, who had been there for seventeen years, and was suffering much from ill health, asked leave of absence from the Governor, for the purpose of returning home. During the first Term that occurred after the departure of the Chief Justice, Mr. Willis regularly discharged his duties; but between the first and second Terms he came to the opinion that the Court was incompetent to sit unless all the three Judges were present, as the Statute said that the Chief Justice and two Puisne Judges should preside there. Mr. Willis intimated his intention, on the first day of the Term of making this opinion public. The other Puisne Judge differed from him on the subject, and proposed adjourning to the following day; but Mr. Willis said they could not sit as they were not a Court, and therefore they could not adjourn. He then wrote a letter to the Secretary of State for the Colonies, and another letter to an individual in the same office. These letters he transferred to the Secretary of the Lieutenant-governor, and requested that they should be officially transmitted to England. That request was refused, as the Lieutenant-governor was not aware of their contents. Mr. Willis then communicated the contents; which were, that he could not sit in the Criminal Court, as that Court was not legally constituted without the presence of the Chief Justice, but that he would do whatever other business he might legally perform in the discharge of his office. He was required to state what business he thought he could legally perform, but he did not make the statement, and indeed declined any explanation on that subject; and he not only refused to sit in future, but he openly declared his opinion that the Court was incompetent to proceed with matters of criminal justice, and that all the decisions given in the absence of the Chief Justice were illegal and void. It was impossible that the Governor could allow matters to go on in that state, and in consequence he suspended Mr. Willis from his situation as Judge. One circumstance particularly referred to by the noble Lord required explanation. The Governor certainly expressed his opinion as to the necessity for the suspension of Mr. Willis from his office on the 26th of June, whereas the formal document was dated on the 27th; but the House would not see so much importance in that circumstance as was at first supposed; for on a former day it had been intimated by the Secretary of the Lieutenant-governor, that the Governor and the Council were aware of the circumstances, and were about to take them into their consideration. Mr. Willis made a complaint to the Secretary of State for the Colonies of the conduct of the Governor, representing his dismissal as illegal and improper. Believing that to be a question of law, it appeared that the most proper course was to bring the subject under the consideration of his Majesty in Council. Mr. Willis objected to that course on the ground of expense. In order to obviate his objection, and to remove all difficulties, the Government had taken the expense on itself. The case was argued before the Privy Council, and among the members who that day composed the Court, nine in number, were the Lord Chief Baron, the Vice-chancellor, and Sir Christopher Robinson. Whatever was the decision, it had the support and authority of these persons of high station and distinguished ability in the profession of the law. Mr. Willis's complaint amounted to this, that his removal was unwarranted, illegal, and ought to be void; and the decision of the Council was, that it was not unwarranted, not illegal, and that it ought not to be void. He thought he had now stated enough to put the House in possession of the facts of the case, and to make them agree with him, that what the Government had done had been directly called for by the circumstances of the case.

The Petition read and to be printed.

LORD-LIEUTENANCY OF IRELAND.] Mr. *Hume*, in rising, pursuant to notice, to bring forward his Motion respecting the office of Lord-lieutenant of Ireland, enlarged upon the importance of the subject, and claimed the indulgence of the House while he briefly stated the grounds on which he sought to rest his Motion. In the year 1823 he brought forward a motion upon the same subject, which, unfortunately, did not then receive the attention to which he thought it entitled. The present time, however, would prove, he trusted, more propitious. Few who had attended to the state of Ireland but had made up their minds as to the causes of its distress; and with the view of impressing his own opinions upon the House did he then address them. He would not go back antecedently to the period of the Union, but rather confine himself to the time which had elapsed since then. Comparing the time when his former motion was brought forward with the present, he could not help congratulating the House on having gotten rid of one great impediment to the progress of salutary legislation in Ireland. When the former motion was under discussion, the Chancellor of the Exchequer did not say that the time might not come when that Officer and his establishment should be withdrawn from Ireland; his objection was, that the time had not then come, and since then it was gratifying to think that a fortunate change had taken place, which made it probable that the House might think that the office of Lord-lieutenant might now be abolished without inconvenience. The Irish expenditure had been so often before the House, that he felt unwilling to go through details respecting it, though he might be permitted to say, that an expense of between one and two hundred thousand a-year might be saved; but important as he thought financial concerns—the saving was, in his estimation, quite a minor matter,—the objections which he had to urge to the continuance of such an office were of so much more importance. He might, however, be permitted to observe, that the office had already cost the country many millions of money, and that the objections to it in a financial point of view concurred with those he should make on other principles. Since the Union, for example, a sum of ten millions and a half had been expended on the Charitable Institutions of Ireland, and no doubt intended to have been expended for the public good, being an amount seven or eight times greater than at any period before the Union; so that the office of Lord-lieutenant, and the shadow of a Court, tended nothing to preserve the people from pauperism, but it tended to this—it tended to keep up party spirit, for it was administered solely by one party and tended to preserve its power, and it tended to excite and maintain those feelings of rancour and hostility which it should be the object of all the friends of that country and of this to see at an end. He could not but observe with regret that the Union, so far from being beneficial to Ireland, had been disadvantageous, by placing greater resources in the hands of a predominant faction. Had the expenditure of Ireland been placed, in the year 1800, under the direction of the English Treasury, there could not be a doubt that it would have managed that expenditure infinitely better, and not have allowed the public money to be converted into an instrument to foment and maintain a spirit of party, under the influence of which no country could be happy. When a committee of that House, with the noble Lord, the Secretary for Ireland, at the head of it, recommended that great reductions should be made in the expenditure of Ireland, and when these recommendations had been so little attended to in the Estimates laid upon the Table, to what could he attribute this fact, but to the local influence of the Irish Government, which was too strong even for the Government of this country. The continuance of the office of Lord-lieutenant in Ireland could only have the effect of supporting private influence and local interests, and of defeating the main purposes of the Union. When that was brought about, all public men were agreed that the object was not alone to unite the two countries in name, but to blend them into one complete and perfect whole, conferring upon Ireland all that was good in the English system; and it was looked upon by the King, at that time, as the happiest event of his reign, having for its object to consolidate the interest of both countries, and assimilate them to each other. It was expected that immediately after the Union, peace would prevail in Ireland: had that expectation been realized? It had been treated as a province—it had been treated as a Colony, and its Government had been disgraced by all the vices and all the abuses of a Colonial Government—all the vices and all the abuses of delegated authority; such had, in his opinion, been amongst the chief causes of the evils of Ireland; they had in that country every one of the disadvantages of delegated power, and Parliament must remove that source of evil, or it would do no good. From the earliest period of the connection between the two countries, instead of assimilating the habits of the people, the frame of their institutions, or the nature of their Government—instead of consolidating and identifying their institutions, there had been a continual attempt made to preserve every contrast and every dissimilar institution. The Union was to remedy that, and promote similarity; but there had been, ever since the Union, a constant endeavour to render the two countries as different as possible, and to place them as remote from each other as might be in the scale of social existence. All their institutions were kept separate. Bills were passed for each, and there was a uniform maintenance of all possible distinctions. If there had been no Lord-lieutenant that could not have been done—such efforts could not have been made to separate, when the object ought to have been to blend. The right hon. Gentleman opposite had done something towards extending the benefits of the English system to Ireland; but he could proceed only a very little way, for the separate Court and the separate Government, and the separate law institutions under different judicial chiefs, checked his well-meant endeavours and impeded his progress. All governors of colonies and viceroys proceeded to their destinations with a crowd of friends and relations, upon whom they bestowed every place of confidence and emolument. Must not such practices disgust and alienate the people, who were the sufferers by it? There could be no peace or union so long as all the evils of a colonia system were preserved instead of those which the blessings of identity with a sister country promised. It was well known that to the Orange party all places of value were given, except such as might be reserved for the immediate followers of the Viceroy. Out of 2,800 public offices in Ireland only 264 were held by Catholics. Let the Members of that House but look at Canada, and they would there see a perfect picture of what was going on in Ireland. He could not see any reason why the affairs of Ireland should not be conducted in a similar manner to those of Scotland. He did not mean to say that it could be done at once, but at all events, an approximation might be commenced. Irishmen must feel themselves degraded, because, though they were nominally acknowledged as a part of the United Kingdom, they were, in fact, no more so than Jamaica, as far as their government went. The Lord-lieutenant, or Governor-general, was appointed in the one case by the King in Council, and was under the control of the Colonial Secretary. In the other case he was appointed in the same manner, but under the control of the Secretary for the Home Department. The hon. Member then went on to contend that this deputed power led to abuses which could never exist if the country were governed as Scotland, or any other part of the United kingdom. Under such circumstances it was impossible that the people could feel independent, for they had not been treated with that equality which their situation and importance required. If the Lord-lieutenancy of Ireland ought to be kept up, so ought the Parliament of that country. It was inconsistent with all principles of freedom that so arbitrary a Government should be suffered to exist. A late Act of the Irish Government was sufficient to evince the character that universally belonged to it; he alluded to the proclamation that had been issued for putting down a political society. Such a course appeared to him to be beneath any free Government, and could not have taken place if the institutions of the two countries had not been separated. In the Act of Union he found no reference to the keeping-up of the Lord-lieutenancy, and he, therefore, might try by the motion which he was about to submit to remove the present degrading stigma from the Irish people, and to give to them the reality of those promises which the Union had held out. The Irish were now happily placed on an equality as to their religious opinions, and they ought to have equality of rights in every other respect. At present they were degraded and felt their degradation—let them be released from that mark of dependence a colonial government, and they would soon be imbued with the sense of independence. Ireland was not less warm or less eager for the advantages of a good government than any other nation, and would well know how to appreciate the boon, which he thought it was high time to grant. In what he was saying he did not intend to cast any blame on the Government here or on the Government there; the fault was in the system itself, and not in the individuals who administered it. There certainly were instances of persons who so exercised their delegated authority as to excite the praise and universal concurrence of those over whom they presided. This was the case with respect to the Governor of Canada, Sir J. Kempt—against whom he had never heard a word uttered; but that was, he was afraid only a solitary instance, and if they would but, on the other hand, look to New South Wales, Van Dieman's Land, and the Canadas, in former times, they would find examples enough of dissatisfaction. His remedy, therefore, was to remove the cause; and he would venture to say that if Ireland were once set free from the burthen of a separate and a bad government it would speedily rise, both in civilization and prosperity, to a much higher grade than it had ever before reached. The strength of England depended on the union of Ireland, and Ireland could not be cordially united with England unless she were trusted as an integral part of the dominions. At present the Government of that country was in a continued state of vacillation. One Viceroy never followed the policy of his predecessor in such a manner as to give confidence to the people that anything was fixed and could be depended upon. When Ireland possessed her separate establishments, a separate Parliament, when she had a separate military force, a Secretary at War, a separate artillery and commissariat, it was consistent enough that she should have a Lord-lieutenant, but since the Union that had ceased to be the case. The war business of that country, the Customs, the Excise, the Post, the Stamps, had all been removed to London; and the Lord-lieutenant, with his Secretary, was therefore remaining behind with no real business to transact, for of himself he could do nothing; he had always to wait for instructions from the Secretary of State in London. In fact, the Lord-lieutenant had little more to do than to pass some accounts laid before him by the Vice-treasurer of Ireland (an office, by the way, which he thought wholly unnecessary, and ought to have been abolished if the Government showed a due regard to economy), and the nominal execution of some orders which might be as well done under the direction of a Secretary for Ireland resident in London. The whole, or nearly the whole business of the departments to which he had referred, was now centred in the Treasury here. The business of the Council office was, he observed, but trifling, and might without inconvenience be as well performed here. It was true that the Viceroy held a Court in Dublin, but he should be glad to know of what importance that was to the people of Ireland. It might be of some service to a few little great men, who were anxious to make a great show at the Castle; but, in his opinion, its real effect was to destroy that natural society which otherwise would be found in Dublin. If the Court were removed, he believed that many landed proprietors would reside in Dublin, as many did in Edinburgh, which could not take place as long as they were exposed to the annoyances of the mobs and bustle of state parties. The presence of a Court was no doubt a benefit to a certain number of haberdashers, and tailors, and Court-dress makers, but was their advantage to be purchased at such a price to the country and to their fellow-subjects in other parts of that kingdom? The fears of those who thought that Dublin would be injured by the removal of the Court were, he thought, quite vain and idle. From the situation of Dublin—it being the centre of communication between this country and the whole of Ireland—the seat of the law courts—possessing a fine harbour—it must always be the metropolis, and an increasing metropolis too, of that country. When he last brought this subject before the House, he was met by a statement of the evils which the removal of the legislature had brought upon Dublin—that grass was growing in the streets, and that a great portion of its houses were gone to ruin. He had since made inquiries into the fact, and he would state the result. So far then from its being true that Dublin had decreased since the Union, it had increased in the number of houses and inhabitants. From the year 1800 to 1822, (the year before that in which he first introduced this subject) the increase of the number of houses was 3,463—from 16,401 in 1800 to 19,864 in 1822—being nearly a fifth. The population was at the former period 223,000, having increased between that and 1822 to the extent of 40,000 or 50,000. The increase in the shipping was also great. In 1800 the number of ships was 2,575; in 1822, it was 3,400; and at present it was 4,000. The tonnage had also increased by 113,000 tons. It was suggested that this increase of shipping might have been occasioned at the expense of the out-ports; but this was not the case, for the out-ports had increased at the same time. In 1800, the number of vessels in all Ireland was 4,800; in 1822, 7,900; and last year 11,700. The tonnage in 1800 was 664,000; in 1822, it was 953,000; and in the last year, 1,470,000, being an increase of upwards of 500,000 tons in the last seven years. It was impossible, then, to assert with any justice that Ireland had deteriorated since the Union. The exports in the year 1790 were, exclusive of those to England (as we understood,) in official value, 3,450,137*l*. In 1820, 7,160,000*l*., they having been more than doubled within that time. His hon. friend below him suggested, that a similar increase had taken place in other respects. If this were the case, then they had every right to expect that a still greater augmentation would take place were that country to be relieved from the unnecessary pressure which the establishment of a delegated government inflicted upon her, and which was kept with evident disadvantage to her interests as well as to the interests of the whole United Kingdom. The hon. Member then entered into an examination of the business done in the office of the Secretary for Ireland, which he said was divided into twelve departments, the management or direction of the whole of which might, he contended, with the exception of one department, be removed to London, and be performed by an Irish Secretary resident here. His chief business was correspondence with London, the whole of which would cease when the Secretary came to reside in London. His next business was connected with the Customs and Excise, which were already transferred here. The country correspondence being dependant on the Secretary, would of course be removed with him. He also received petitions and memorials relating to law cases, but as he did not decide on them it would be better that they should at once be transmitted to the officers who did decide them. In one word all his business might be as well, or better performed in London, except that perhaps which relates to the local police, but surely there could be no difficulty in the management and superintendance of that and other local matters, without the costly and cumbrous machinery of a Lord-lieutenant and his court—for such a purpose. There was one other point to which he wished to direct the attention of the House, and that was the prerogative of mercy exercised by the Lord-lieutenant. The House was told on a former occasion, that it would be impossible to conduct that important branch of internal government—the extension of mercy in criminal cases—if the proposed change were carried into effect. He had ascertained how that objection could be overcome, and he found no insurmountable difficulty. If there were any, he should be glad that some right hon. Gentleman would explain in what it consisted—for he was unable to perceive it. He would ask how criminal cases were managed in Scotland, and whether an assimilation to the practice of that country might not take place? If the government were to pay proper attention to judicial appointments in Ireland, he had no hesitation in asserting that the Judges there might, as in England, be trusted with the recommendation of cases for the consideration of the Crown. He was not aware how the present Secretary of State for the Home Department decided upon the various cases submitted to him, but he knew of no difference between a case tried in Westmoreland or Cumberland, and one tried in Ireland. Formerly, when a journey to Dublin took ten days, there might be a plea for the maintenance of a local jurisdiction, but thanks to the hon. Baronet (Sir H. Parnell), who first brought road-making under the serious attention of the House, and to whom not merely Irishmen, but Scotchmen and Englishmen were so much indebted—thanks to him, Dublin was now brought within a thirty-six hours journey. In point of fact, Dublin was nearer to London than Edinburgh; so that any objections on the score of distance would equally apply to Scotland. But how could any objections of this kind be offered, when the decision of criminal cases here was often suffered to lie over for two or three months? He was persuaded, therefore, that the Chancellor of the Exchequer could not place that objection in the van of his arguments. With respect to the feeling of the people of Ireland, he was quite satisfied that the higher nobility, as well as the lower, and the landed proprietors generally, would like to see the present system altered; that the mass of the people would approve of being raised from a colonial condition, to become an intregral part of the United Kingdom, governed by the same King, and forming, in the same manner as the English and the Scotch, one united people—which however that might be now, nominally, was not in reality the case,—the Irish differing in opinion, and in their feelings, as much from the rest of the inhabitants of the empire, as if they did not belong to it. His only difficulty was, to select the way in which he should bring this subject before the House. He might have moved that the House should resolve itself into a committee, to consider the expediency of making some change in the form of government in Ireland. That, however, was not the shape in which he intended to submit his Motion, which was as follows:—"That an humble Address be presented to his Majesty, praying that he will be graciously pleased to consider whether the office of Viceroy were any longer necessary in Ireland, or whether it could be dispensed with consistently with the advantage of that country, and the general interests of the United Kingdom." This Motion, he should observe, did not prescribe any particular time for carrying the contemplated object into effect, but left it to the discretion of Government to select the most convenient opportunity for introducing a change of system.

Lord *F. L. Gower* commenced by adverting to the different line of argument, on which the hon. Member had rested a similar motion in the Session of 1823, from that which he had thought proper to adopt upon the present occasion. His proposition had been then grounded on the existence of the Catholic disabilities; but it was now recommended on account of the political circumstances of the country, as well as by economical considerations. Yet he was entirely at a loss to discover the proofs by which the hon. Gentleman established his assumptions. He had asserted, that the defects and abuses existing in the charitable institutions of Ireland would have been remedied, but for the continuance of the office of Lord-lieutenant since the Union, but he had not supplied the House with one proof of his assertion. As to the estimates to which the hon. Member had alluded, he requested the House to suspend its judgment till he should have an opportunity of explaining the whole of the reductions contemplated, and the reasons why they were carried no further. It was not judicious, in his opinion, to debate the present subject so soon after the settlement of the Catholic Question, involving as it did, a great difference of opinion amongst the wise and moderate of all parties in Ireland. He did not pretend to say, that it was a question which the House might not with propriety take into consideration, and still less was he inclined to affirm, that the hon. Member had adduced arguments which deserved to be treated with inattention or disrespect. He was not, however, prepared to assent to his inference, that the subversion of the executive power in Dublin, and its resurrection at the Home-office, shorn of its usual attributes, would be productive of benefit to Ireland. The hon. Member had, moreover, shown his ignorance of the habits and feelings of the Irish public when he appealed to their national pride, assuming that it was violated by submitting to what he termed the degradation of a colonial government. In reality no such prejudice had been ever for a moment entertained by Irishmen of any class whatever. The court of the Lord-lieutenant had not merited the stigma which the hon. Gentleman endeavoured to affix to it, by stating that it was surrounded by numerous needy dependents, who received profitable promotion, and cherished at the same time a rooted jealousy and dislike of the native inhabitants and whatever might be considered peculiarly Irish. Such an observation applied to the courtiers who accompanied King John when a guest in Ireland, but his own personal experience of two vice-regal courts of the present day led him to form a contrary conclusion. The argument that the Irish establishment tended to prevent an assimilation between the habits of the people with those of England was, in his judgment, equally destitute of foundation. What had been urged respecting a late arbitrary act of power on the part of the Lord-lieutenant only tended to convince him the more of the utility of that office. As to the vice-regal influence on the administration of the Criminal-law, it would not be difficult to prove by details, with which the hon. member for Limerick was well acquainted, that a most beneficial effect was thereby practically exercised on the working system as compared with that of England. He could himself bear testimony to the success of the exertions of two Viceroys continually directed to this subject. It was not in his power to devise, nor had the hon. member for Aberdeen suggested, any mode of removing the difficulties which opposed themselves to the adoption of his advice. He was never more convinced of the advantage that accrued from oral communication between the executive government and legal advisers who were acquainted with the habits and feelings of the people, than he had been by the results and proceedings of the late trials in Ireland, and the loss of this advantage could not be compensated by correspondence with the Secretary for the Home-department, however the modern rapidity of communication might facilitate and recommend such a mode of intercourse. He readily admitted the great improvements which had been made in this respect, for which he was as grateful as any man to the hon. Baronet already alluded to: but even with the certainty of receiving an answer to a letter in four days, he did not think that written communications could supersede the necessity of having an officer on the spot to decide. It might do very well amongst sailors, one of whom on being told he might, as a great indulgence, have two days to take leave of his wife and family, replied—"I always do those things by letter," but it would not do in deciding the delicate questions connected with the administration of justice. The general advance of the prosperity of Dublin since the Union, it was admitted, had been demonstrated; but was it not rather illogical to conclude, that the system under which that prosperity had been created ought to be changed? In fact, no case had been made out which could induce the House to adopt the proposed resolution, and the discussion of the subject at present was both impolitic and inconvenient. The hon. Member had assumed that the higher classes would universally repair to the metropolis, and form a court of their own in the event of the vice-regal establishment being withdrawn. This inference, however, he had no doubt would be disclaimed by the gentlemen of Ireland, and he was equally sure that the Irish court tended to effect a much more beneficial communication between the upper ranks of Irish society than could be otherwise attained.

Mr. *Spring Rice* had heard nothing from his noble friend that could create any rational idea that the question was not fit for parliamentary discussion. The proposition was not for the abolition of the office of the Lord-lieutenant, but merely for an address to the Crown to consider whether the present system of local government in Ireland was necessary to be continued. The hon. member for Aberdeen had made out a case to warrant an inquiry, first, upon the ground of good government; and, secondly, upon that of economy. He did not believe that his Motion would be unpopular in Ireland, not even in Dublin, except with those immediately in connexion with the expenditure of the Castle. The time was not distant when Government would be obliged to come down to the House with some such proposition, and it was fitting to hasten its motions. The early tendency had been to localize everything in Ireland, but the present tendency was to assimilate the two countries. Nothing could be more injurious to Ireland than the system of constant shifting and changing in the government. Chief Secretary had followed Chief Secretary, and every one seemed to have been selected with the view of contrasting him with his predecessor. Let the House look at the long list of Chief Secretaries since the Union, and ask themselves how it was possible that a permanent system of government could be carried on in Ireland? On the average, every Chief Secretary had remained in office about nineteen months. Another ground of his objection to the present system was, that just as a Lord-lieutenant had earned a character in Ireland, and could therefore be of some service to it, he was recalled, and another appointed, who had all that labour to go through. These circumstances naturally led to misgovernment; and the fact was, that a small body of gentlemen, known in Dublin by the name of the Castle Government, but not known in this country at all, assumed all authority, and, in consequence of their knowledge of parties in Ireland, had it at any time in their power to create or to continue distractions in that country. Nobody in Ireland believed that the Lord-lieutenant or the Chief Secretary, or the Home Secretary, had any real influence in the government. Right or wrong, the belief was, that the authority of government was exercised exclusively by a small coterie at the Castle. What was the result of such a system? Injurious under any circumstances. Let it be supposed that the Lord-lieutenant and the Chief Secretary were perfectly identified in opinion with the Home-office, what was the Irish Government but a useless and expensive piece of machinery? On the other hand, let it be supposed that the Lord-lieutenant had strong political opinions of his own, that he was an honourable, upright, unbending man, and not on the best terms with the Home Secretary, what must be the necessary result of their collision but mischief? The noble Lord seemed to attach much importance to the influence of a Court in Ireland. He (Mr. Spring Rice) was not one of those who wished to divest the monarchical rank of its dignity; but he was averse to the mimic splendour of the vice-regal throne; and he was sure that society in Ireland derived no physical or moral advantage from the existence of a Court in Dublin. He believed that the moral character of the Irish people depended upon higher principles than those which pertained to the establishment of a Court; principles which, as they did not rise with that establishment, he trusted in God would not fall when the time arrived—and he would be bold enough to prophesy it was not far distant—when that Court should be removed. As to the prosperity of Dublin, it must necessarily increase with the improvement of the government. Had it been found necessary to establish a Court at Edinburgh for the moral improvement of the people? And, without undervaluing the society of Dublin, he would ask if the society of Edinburgh was to be despised in comparison? The fact was, that the tendency of Dublin was every day more and more commercial? It was an outwork of Liverpool, to which it was united by that flying bridge, a steam-boat. So highly did he think of the value to Ireland of steam-boats, that much as he valued the Lord-lieutenant of that country, he valued a single steam-boat more than a whole wilderness of Lord-lieutenants. The only argument which the noble Lord had advanced against the motion was the old argument of 1822; namely, the effect which the existing government in Ireland had on the administration of criminal justice in Ireland. If, for the better administration of criminal justice in Ireland, it was desirable to support a Lord-lieutenant in Ireland, why was it not desirable, for the better administration of criminal justice in Scotland, to introduce a Lord-lieutenant into Scotland? Reference from Courts of Law to Government ought to be deprecated rather than encouraged. The practice had already diminished in Ireland; and in every future year it would become less. On these grounds he entirely concurred in the motion of his hon. friend. It did not pledge any one who voted for it to the abolition of the office; it only pledged him to the opinion that it was a fitting case for the Government to exercise its deliberation upon. Whatever might be the present decision of the House, he was persuaded the time was not far distant when it would be in favour of the Motion.

Mr. *George Moore*, adverting to the statements which had been made by the hon. member for Aberdeen respecting the amount of buildings, shipping, &c. in Dublin, observed, that although, since the Union, the prosperity of Dublin had increased only a fifth, the population, and, he believed, the wealth of Ireland had doubled. Much of the prosperity of Dublin was undoubtedly to be attributed to the increased expenditure which the Court occasioned. The inhabitants of Dublin had not petitioned against the proposition of the hon. member for Aberdeen, because they did not think the House would entertain it for a moment. There might be some exceptions; but he was fully persuaded that no circumstance could be calculated to produce greater exasperation of feeling, or increase the sense which, he was sorry to say, was growing in Ireland, that her interests were not properly regarded here, than the withdrawing of the Lord-lieutenant from that country. He believed that there was in no part of the United Kingdom so much distress as among the little retail dealers of Dublin, and that distress would be much increased were it not for the expenditure of the Court. Under those impressions he must oppose the Motion; and he hoped the time was far distant when the Government would make a similar proposition.

Sir *H. Parnell* said, he would shortly state the grounds on which he agreed with his hon. friend, the member for Aberdeen. As to the benefit which the people of Dublin derived from the expenditure of 30 or 40,000*l.* a year among them, that must be very insignificant; and as to the administration of criminal justice, how was the law administered in Scotland? No condemned person could be executed in Scotland without a previous reference to the Home Department; nor could he be executed until forty days after his condemnation. Why was not such a law as applicable to Ireland as to Scotland? He considered the residence of a Lord-lieutenant in Ireland as a positive evil. It deprived the Irish of the advantage of having Lord-lieutenants of Counties; the principle being, that a deputy could not have a deputy. He was convinced that the feelings of Ireland were misrepresented when it was said they were hostile to the abolition of the office of Lord-lieutenant. He had reason to know the contrary. He would undertake to say, that most of the intelligent classes in Ireland were favourable to the abolition. He had heard the speech of the noble Lord with satisfaction, for it indicated a disposition on the part of his Majesty's Government to get rid of the office.

Lord *Oxmantown* was surprised to hear it said that the people of Ireland were favourable to the abolition of the office of Lord-lieutenant. He was in Ireland three weeks ago, and was frequently present when the proposition of the hon. member for Aberdeen was discussed, and he had never heard a single individual who did not express himself decidedly hostile to it. He was convinced, that if the people of Ireland believed there was any serious intention to abolish the office, petitions would pour in against the measure from every county, and almost from every parish. He conceived that the abolition of the office of Lord-lieutenant would have the effect of greatly increasing absenteeism. Whoever had not visited Ireland could not be aware how much the presence of a Court in that country diminished the number of absentees and the duration of their absence. He opposed the Motion because he was convinced that it would have a most injurious effect in this respect to remove the Court and the Lord-lieutenant from Ireland. The morals and behaviour of all classes were improved by mingling together; and Ireland would, he believed, be injured, and many tradesmen utterly ruined if a proposition were to be carried which would deprive her of all splendour, and banish from her her few remaining gentlemen.

Lord *Althorp* said, that it was perhaps doubtful whether this office ought to be abolished; but, for himself, he had nearly made up his mind that it ought. Nothing was, in his opinion, more useful than unity of government, particularly in governing a country difficult to be governed—and such was Ireland. Besides, the peculiar advantages of a monarchical government was always supposed to consist in its steadiness; which, it was contended, more than compensated for the great difference existing between its expense as compared with that of a republic; although, in fact, the trappings of Royalty cost more than all the establishments of a republic. But in Ireland they had only the trappings, and not a single advantage of a monarchical form of government, since they had that perpetual change which was considered so destructive. Besides, there was no more reason for supporting a separate local government in Ireland than in any one of the northern counties of England, for the communication between them was just as easy; and if Lord-lieutenants of Counties were established, as in this country, all the difficulties urged against the measure might be met, except that respecting the administration of justice. As the hon. member for Aberdeen, too, had so clearly stated, there would be a great saving effected by the adoption of his suggestion. If he thought the removal of the Lord-lieutenant would be injurious to Ireland, the anxiety to economise would have no weight with him; but thinking, on the contrary, that the measure would be productive of good, he should support the Motion.

Sir *G. Murray* said, that he was induced to offer a few observations to the House upon this subject in consequence of the great interest which he took in all questions which were connected with the condition of Ireland. In reply to the observation of the noble Lord, that there was a continual change in the system of governing Ireland, owing to the frequent change of its Lord-lieutenants, he would merely say, that the system of government in Ireland did not depend upon the individual who was Lord-lieutenant, but on the administration in England to which he owed his appointment. The vacillation observable in the policy pursued by the different Secretaries of State for Ireland was not attributable to the individual character of the different noblemen who had acted as viceroys, but to the system adopted by the administration in England. That vacillation was now at an end, for a new system had recently been adopted with respect to Ireland, which would be beneficial, he trusted, not merely to that country but to the empire at large. It had been stated by the hon. member for Limerick, that the government of the Viceroy was of no importance, for that, although there were a Lord-lieutenant and a Chief Secretary, the authority was not in their hands, but in the hands of a nameless body to which he alluded, but which he said was too contemptible to be named, and could not be known to the House. If the hon. Gentleman would point out to the House how that body could be removed he would cordially give him his support, or if the hon. Gentleman could prove that the existence of this body was the necessary and unavoidable accompaniment of a Lord-lieutenant, he would admit that he had made out a case for the removal of the vice-regal government. Another objection to the office, made by the hon. Gentleman, was founded on the supposition, that if the Lord-lieutenant concur in the views of the Government, his presence was not necessary in Ireland—they could do as well without him. He did not agree with the hon. Gentleman in that opinion. The viceregal government in Ireland was, in his opinion, very advantageous to that country, the time might come when this machinery could be dispensed with, but hitherto it had been essentially necessary, and positively useful; certainly the time had not yet arrived when it could be laid aside without considerable injury. Another supposition put by the hon. member for Limerick was, that if the policy of the Lord-lieutenant, differed from the policy of the Government, the office could not possibly be of any use to it, nor of any benefit to Ireland. In that opinion he agreed with the hon. Gentleman, but that must be a very weak government indeed which would allow such a state of things to continue. Even if the Lord-lieutenant were right in his opinions relative to the policy to be pursued in Ireland, and the government wrong, the government must be very weak which did not remove the Lord-lieutenant: and for this reason, that where responsibility is, there must always be the chief authority. A government ought not to allow its character and its responsibility to be compromised by an individual acting under it, but in contradiction to its own views. In another point he thought that the hon. member for Limerick had treated the interests of the metropolis of his country very lightly; he had mentioned Dublin as a mere outwork of Liverpool. Now he could not consent to look upon Dublin in that subordinate point of view. He confessed that he was inclined to think that the residence of the Lord-lieutenant in Dublin was of great advantage to that metropolis, and also of no slight service to the country in general. There was but one argument against it which appeared to him to be deserving of any weight, and that was founded upon economy, a consideration which the hon. member for Northamptonshire was inclined to throw overboard in his mode of treating this question. He admitted that a saving to the public would accrue from the removal of the Viceregal Court from Dublin; but he thought that that saving would be a minor consideration, unless it could be distinctly made out that Ireland would receive no detriment in any other respect from having such a measure carried immediately into effect. Having thus gone through all the points directly bearing on the question, he did not deem it necessary to trouble the House with any more remarks relative to the government of Ireland; but he should not consider that he was doing his duty if he sat down without adverting to some observations made by the hon. member for Aberdeen with regard to the Colonies. The hon. Member said, that the inhabitants of the Colonies felt themselves degraded by being placed under a delegated authority. It did not appear to him that the inhabitants of the Colonies could feel any degradation whatever on that account; they were, in every respect, his Majesty's subjects, although living remote from the seat of Government. He could not conceive that they could entertain such a feeling, at any rate he did not consider them in a state of degradation. He believed that the inhabitants of the Colonies had just as strong a claim to the consideration of his Majesty's Government, and of that House, as any other portion of the people of this Empire. He should consider it as great a dereliction of duty to omit furthering the interests of the inhabitants of the Colonies as if he were to neglect the interests of his own constituents. He must also beg leave to remark, that he could not understand upon what principle the hon. Gentleman could suppose that the connection between the mother country and the Colonies could be continued, unless they were under a delegated Government. He could not understand how they could have any communication with this country, if some delegated authority, by whatever name it might be called, were not established in the Colonies. Such an authority was established by the State for the purpose of promoting the benefit of the Colonies, and if it were abused, reference could be made to the Government at home; and that authority, whatever might be its name, would be made responsible for its misconduct. Notwithstanding the imputations which the hon. member for Aberdeen had thought fit to cast upon colonial governors in general, he was happy to find that hon. Member disposed to do justice, at least, to one of them, he meant an hon. and gallant friend of his, the Governor-general of the Canadas. It was no more than justice to that officer to state, that he had discharged every part of his duty with zeal and ability; and in the instance of that very Governor, the delegated authority which the hon. Gentleman so much objected to, and thought so degrading to the colonists, had afforded the most useful assistance to his Majesty's Government in promoting those measures which had been recommended by a committee of that House, which it was his intention steadily to pursue, and which would, he hoped, remedy the defects which had grown up in the system of government in Canada, and tend to the general contentment and prosperity of its inhabitants.

Mr. *O'Connell* remarked, that if it were known in Ireland that it was seriously intended to bring this motion forward, the House would have heard of it in a very different way from the sentiments uttered by the hon. Member who opposed the question. He submitted, that it was not wise to legislate for a country against the feelings of the inhabitants, and the Irish were universally opposed to this; and with good reason; for it would assuredly increase absenteeism. He was not, and had no right to be, the eulogist of past governments; but he hoped that, under the improved feeling, a person of high rank filling the office of Lord-lieutenant would have an influence over factions which it would be in vain to expect from a government of clerks. He would strenuously oppose the motion.

Mr. *Brownlow* said, that from what he had heard, he believed the motion was entitled to his humble support, and to the consideration of the House. No substantial or satisfactory arguments had been used to show why the office of viceroy of Ireland should not be abolished; and in the speeches of the noble Lord and the right hon. Secretary, he had been pleased to observe that they had placed the question before the House simply as one of time; they raised no objection upon principle. But he asked, Why was it not time now? There was nothing to justify the continuance of the office on principle; and if, as was universally acknowledged, a great saving could be effected by the abolition, was it not their duty, as Members of Parliament, to press it on the consideration of the Ministry? He thought the time had arrived. The proceedings of the last thirty years had been founded upon a system of assimilation. First, the parliaments of the two countries had been assimilated; and then in succession various Boards; and, to complete the system, it was only necessary to assimilate the government of the two kingdoms; so that an English cabinet might take the power from the hands of a Lord-lieutenant, who was sometimes with and sometimes against it, and administer the English constitution in Ireland as it was administered in England. He contended that it was folly to talk of the Irish people being attached to that form of government. They had suffered too much oppression under it, and witnessed too much corruption; and, in his opinion, the people never would believe that they were well governed, or that pure justice was conceded to them, until this form of government was abolished. The change would injure no one; for he thought that the presence of a court in Dublin, instead of alluring, kept many persons from it, who, unable to mix with their fellows at the Castle, were unwilling to approach the capital at all.

Lord *Castlereagh* denied that there had been expressions of public opinion in Ireland upon this subject. As a county member, he felt himself bound to say that he should be sorry to see the office of Lord-lieutenant abolished without some more cogent reasons for the abolition than any he had heard that night; and he should, therefore, in the absence of any direct instruction from his constituents, whose opinions on the subject were to be regarded, deem himself bound to oppose the motion of the hon. member for Montrose.

Mr. *Jephson* also opposed the motion, because he was satisfied that, if the office of Lord-lieutenant were abolished, some person, under some other name, must be sent to Ireland, in order to fulfil those duties which were required of the Government, and which could not be efficiently performed by any officer in this country.

Sir *Joseph Yorke* said, the arguments of the hon. member for Montrose were unanswerable, and he had no doubt they had produced a very considerable effect on the understanding of all the members of that House. For his part, the very reason given by some persons for opposing the motion was the reason which induced him to support it. It was because Ireland was no longer to be considered a colony, but an integral part of the empire, that he desired to see the distinction of a Lord-lieutenant abolished. Ireland was now an integral portion of the empire; and he should vote for her being considered so by the abolition of this useless and expensive office. The government of Ireland had ever been a most corrupt one, celebrated for jobbing and chicanery, and therefore the sooner some alteration was made in it the better. He knew of no alteration that could be more beneficial than the abolition of the office of the Lord-lieutenant.

The *Chancellor of the Exchequer* said, that he should be unwilling to allow this question to go to a vote, without expressing his entire concurrence with the statement which had been made by his right hon. friend the Secretary of State for the Colonies. In declaring that it was his intention to oppose the motion of the hon. member for Aberdeen, he begged leave to exempt himself and the government of Ireland, with which he had formerly the honour of being connected, from the accusations which his hon. friend (sir Joseph Yorke) had made, of general corruption in those who formed the administration of that country. For his own part, he could confidently state, that he knew nothing of any such corruption; and he could appeal to all those who were in any way acquainted with the government of Ireland to say, whether the corruption of which the hon. Member had spoken, had any existence, except in his own imagination? From his former connexion with that government, and from the knowledge which his present situation had enabled him to acquire concerning it, he could conscientiously say, that no government had ever a greater desire to promote the interests of a people than the government of Ireland. After these preliminary remarks, he begged leave to make a few observations upon the question then under discussion. In the first place, it appeared to him that the hon. member for Limerick had argued it upon grounds to which his right hon. friend had perhaps offered a sufficient reply. That hon. Member appeared to draw a nice distinction as to the effects of the motion. He contended that it did not call upon the House at once to abolish the office of Lord-lieutenant of Ireland; but merely recommended the propriety of taking the subject into consideration, and of addressing the Crown to ascertain whether it might not with propriety be abolished. He did not admit that distinction. He knew that there were different modes of shaping a motion, in order to attract and to gain over some particular votes; but he was very much mistaken indeed, if the present motion had not been so framed, rather to catch a few votes of persons professing different opinions, than to gain general concurrence. This was rendered evident, by the supporters of the Motion throwing a sort of ambiguity over its object, which was well calculated to secure the votes of those who did not wish the office to be immediately abolished. The hon. member for Limerick had mentioned the embarrassments which, he said, arose from the state of the government in Ireland. He did not concur with the hon. Gentleman in his opinion; he knew, on the contrary, that his opinion was most erroneous; and that hon. Gentleman had failed to prove the existence of the evils to which he alluded, and of which he said the people of Ireland had a right to complain. For his own part, he could assert that no such evils existed, but if they did, would they be remedied by removing that authority which at present secured some control over them? But, supposing the office of Lord-lieutenant to be abolished, what was the system proposed as a substitute for it? The only one he had heard of was that of his hon. friend behind him, to appoint a secretary of state for Ireland, who should reside in this country. But how could such an officer living in this country attend to the affairs of Ireland? How could he obtain that information which he must possess, to discharge the functions of his office properly? He could have no means of obtaining any such information; and he put it to the House, whether it were not more probable that the system, which formerly prevailed in Ireland, and to the ill effects of which no one could be insensible, would revive under such a change, and would lead again to all those evils which the legislature had ever been most anxious to check, than that the abolition of the office of Lord-lieutenant should lead to the improvement of Ireland. The hon. member for Limerick under-valued the importance of the office on one principal circumstance, and he was surprised that he should do so at that moment. Last session, a measure was carried through Parliament, which, it could not be denied, had been very conducive to the peace and tranquillity of Ireland. That measure was still in its infancy, and consequently required the protecting care of some official organ of the Government residing upon the spot. That official organ, at present, was the Lord-lieutenant, and under his administration the best effects had hitherto resulted from that measure. How unwise, therefore, would it be, to afford any interruption to the progress and general diffusion of the good which had already manifested itself, by any change in the administration, more especially such a change as that proposed by the present Motion. He thought that it was incumbent upon the House not to add to those changes already made, another change which might give rise to feelings of dissatisfaction in the minds of the Irish. The hon. member for Limerick had also told the House, that one of the main grounds of complaint against the Lord-lieutenancy of Ireland was, that the Lord-lieutenants had been frequently changed. Was it likely, however, if that office were abolished, and the duties were to be executed by a Secretary of State for Ireland, that he would be less frequently removed than had been the Lord-lieutenants of Ireland? He believed not, and if the House looked for an example to our own history, it would find that there had been no less than nine Secretaries of State for the Home Department since the year 1800. If the frequent changes, therefore, of the Lord-lieutenants of Ireland were made the ground for abolishing the office altogether, some other remedy must be adopted than the appointment of a Secretary of State for Ireland to supply his place. He would not detain the House by entering more largely into the subject, which had perhaps already been sufficiently argued: he would merely say, however, that the House ought, in deference to the feelings of the people of Ireland, who were interested in retaining the administration of an officer of the Crown, of such rank as the Lord-lieutenant, and of keeping amongst them gentlemen of such wealth as those who are generally appointed to fill that office, out of deference to the people of Ireland, the House ought to reject the Motion of the hon. member for Aberdeen. It was evident from the speech of every Irish Member who had spoken on this subject, that the measure would be very unpopular in Ireland. The hon. member for Limerick had even thought it necessary to defend himself as well as he could from the unpopularity which he knew would attach to him, on account of the part he took in this debate. Then the hon. member for Queen's County came forward, animated by a species of chivalry, to support the hon. member for Limerick, and to share with him the unpopularity which he seemed to expect would attach to him for the opinions he had expressed upon this subject. From whence could such a dread of unpopularity arise, but from the conviction that the general feeling of the people of Ireland was in favour of the continuance of the office of Lord-lieutenant. Under these circumstances he should certainly feel it to be his duty to oppose the Motion.

Mr. *Hume*, in reply, said, that he had not heard a single argument from any member of his Majesty's Government, which did not go to support the Motion. All the difference between him and them was, as to the point of time at which the change was to take place. They were told the people of Dublin would not like the change; but was that House to consider the feelings of the people of Dublin, when opposed to those of the rest of Ireland, and the whole of the empire? The great argument urged against his proposition was, that it would make more absentees than at present; but in his opinion the office of Lord-lieutenant was the cause of absenteeism, and it was to put an end to a faction, and destroy a source of mismanagement, which drove liberal men out of the country, that he called on the House to give its assent to the Motion.

The House divided—For the Motion 115; Against it 229: Majority 114.

List of the Minority.

Althorp, Lord
Anson, Hon. G.
Attwood, M.
Astley, Sir J.
Baring, F.
Belgrave, Lord
Bernal, R.
Benett, J.
Birch, J.
Bentinck, Lord G.
Blake, Sir F.
Blandford, Lord
Brougham, H.
Brougham, J.
Brownlow, C.
Butler, C.
Buxton, T. F.
Colborne, R.
Coke, T. W.
Calvert, C.
Crompton, S.
Cavendish, H. F. C.
Cavendish, C. C.
Cavendish, W.
Cholmeley, M. J.
Cave, O.
Davies, Colonel
Dering, Sir E.
Dick, Q.
Denison, W. J.
Ducane, P.
Duncombe, Hon. W.
Dundas, Hon. G.
Dundas, Sir R.
Encombe, Lord
Ebrington, Lord
Ellison, Cuthbert
Ewart, W.
Fazakerley, J. N.
Ferguson, Sir R.
Foley, J. H. H.
French, A.
Fyler, T. B.
Gordon, R.
Guest, J. J.
Guise, Sir W.
Harvey, D. W.
Heron, Sir R.
Heathcote, R. E.
Howick, Lord
Hoy, B.
Honywood, W. P.
Howard, H.
Howard, R.
Hobhouse, J. C.
Knight, R.
Kennedy, T. F.
Kemp, T. R.
Labouchere, H.
Lambert, J. S.
Langston, J. H.
Latouche, R.
Lawley, F.
Lennard, T. B.
Macdonald, Sir J.
Marshall, W.
Marshall, J.
Marjoribanks, S.
Maberly, J.
Macauley, C.
Milton, Lord
Morpeth, Lord
Monck, J. B.
Ord, Wm.
Palmer, F.
Parnell, Sir H.
Pendarvis, E.
Philips, Sir G.
Philips, G.
Ponsonby, Hon. T.
Protheroe, C.
Poyntz, W. S.
Pryse, P.
Rancliffe, Lord
Rowley, Sir W.
Robarts, A. W.
Robinson, Sir G.
Ramsden, J. C.
Rickford, W.
Stanley, Hon. C.
Smith, W.
Stuart, Lord J.
Sykes, D.
Tennyson, C.
Townsend, Lord C.
Thomson, P.
Tufton, Hon. W.
Tynte, C. K.
Vyvyan, Sir R.
Warburton, H.
Warrender, Sir G.
Waithman, Ald.
Webb, E.
Western, C. C.
Wemyss, J.
West, J. R.
Wilson, Sir R.
Wilbraham, G.
Wood, Ald.
Wood, C.
Wood, J.
Wrottesley, Sir J.
Wyvill, M.
Yorke, Sir Jos.

TELLERS.

Hume, J.
Rice, T. S.

PAIRED OFF.

Portman, E. B.
Whitmore, W. W.

STATE OF NEWFOUNDLAND.] Mr. *Robinson* said, he rose, in pursuance of the notice he had given, to move for a Committee of Inquiry into the state of the Colony of Newfoundland. He would not trouble the House if he did not feel the subject to be of considerable importance, and worthy of the serious consideration of Parliament. There was, he believed, no one of our Colonies of which the condition was so little known as that of Newfoundland, though the Members of that House legislated for it. The few Acts of Parliament brought into that House for the regulation of its affairs, were concocted at the Colonial Office, proposed by some individual connected with the Colonial Department, and passed into laws by those majorities which the Ministers could always command. They were introduced probably at a late hour, and hurried through the House without explanation or remark. Under such circumstances he had a right to claim the attention of the House while he stated the complaints of the inhabitants of Newfoundland. They complained, and he thought they had a right to complain, of the line of policy which had been pursued by the Government of this country towards that colony for a long series of years. It was one of the oldest colonies in our possession, and though of that importance which should entitle it to a well regulated and proper administration of its affairs, they had for a long period been conducted in a manner which was any thing but calculated to promote the prosperity of that island. Newfoundland had been long regarded as a fief of the Admiralty, and a naval officer was from time to time sent out there to administer its affairs. He was allowed to remain but a short time, and was recalled to make room for some other naval officer; and in consequence of this species of management, though no one of our colonial settlements possessed greater natural advantages than Newfoundland, yet there was not one that had made so little progress in population, in wealth, and he might add in civilization. In fact, the resources, the wealth, and the population of the colony had latterly declined; and if the House looked to the state of our fisheries there, it would find that we had been less successful than the French and the Americans. These were some of the reasons which induced him to bring the state of the colony under the consideration of Parliament. He wished to satisfy the House, that the system of policy pursued towards this island for many years past, had been calculated to retard its improvement, and cripple its resources. The Government for many years had treated Newfoundland as a moveable fishery; the governors and other official individuals sent out had been left there but a short period, and the few Acts of Parliament passed for the colony had been calculated to diminish its prosperity as a settlement, with a view to make the Newfoundland trade a nursery for seamen. Notwithstanding, however, that the policy of our Government had been directed to prevent persons from settling permanently in Newfoundland, a large population had grown up there, amounting to upwards of 90,000 persons, and consisting of Irishmen, Scotchmen, individuals from this country, and their descendants. In accordance with the policy he had mentioned, the naval governors generally received instructions, in some instances to compel parties who were desirous to settle there permanently, to return to this country; and in others, to prevent them from erecting buildings for the purpose of taking up their residence there. In this manner individuals had been prevented from settling in Newfoundland. Such a system of policy had not been adopted towards any other colony in our possession in that quarter of the globe, and why it had been pursued towards Newfoundland no man could probably tell. He wished to persuade the House to institute an inquiry, in order that justice might be done to the people of that island, who had many and well-founded reasons to complain. Of the right hon. Gentleman opposite (Sir George Murray), he made no complaint. Since he came into office it had been his anxious desire to promote the welfare and improvement of all our colonial possessions; and it was probably only necessary to suggest to him measures calculated to effect beneficial results, to secure the adoption of them. Being convinced of the sentiments entertained by that right hon. Gentleman, he was anxious to direct his views towards Newfoundland, for the purpose of promoting its agricultural and commercial prosperity, by the introduction of a good and well-regulated system of Government; and he could assure that right hon. Gentleman, that he would reap a rich harvest of gratitude for all the care and attention he might bestow on this subject. Notwithstanding the unfavourable circumstances which he had already adverted to, this colony had risen rapidly of late years; but there was still an immense field for improvement. With a surface of square miles equal to that of England, and with a population of only 90,000 souls, the island of Newfoundland, though very fertile, had not hitherto raised agricultural produce sufficient for the maintenance of its inhabitants; and it had been indebted to foreign supplies for almost the whole of what the people required for their subsistence. The consequence was, that they were rendered wholly dependent upon the fisheries, which afforded only a casual means of support; and when they happened to fail, as they frequently did, the people were reduced to the greatest possible distress. The right hon. Secretary must be aware that in the course of the last year an official despatch was received from the governor of Newfoundland, representing the great distress, to which the population in the northern district of that island had been reduced, in consequence of the failure of their fishery; and the Governor, with that humanity which ever distinguished him, immediately directed that a supply of money should be forwarded out of the public treasury, to procure provisions for those distressed individuals. It was to prevent the recurrence of such misfortunes, and to save the expenditure thus required to relieve the distress of the population under such visitations, that he was desirous of directing the attention of his Majesty's Ministers to the improvement and encouragement of the agricultural and other resources of the colony. His Majesty's Government had, he believed, latterly instructed the Governors to depart from the system of not permitting settlements there, and had sent out orders, if not to encourage, at least not to oppose and impede, as heretofore, the agricultural improvement of that country. But Government must do much more than that; it must not only abandon the former absurd and unjust policy of obstructing the progress of agriculture in Newfoundland, it must also afford to it legislative support and encouragement, by adopting a regular and proper system of laws for the administration of its affairs. It would be in the recollection of the House that in the last Session of Parliament, the Acts relating to the government of Newfoundland, namely, the 5th George 4th, c. 51, and c. 67, for the regulation of the fisheries, and the administration of justice, then expired. They were enacted in 1824, for a period of five years; they were merely intended as an experiment in the first instance; and the people of Newfoundland had just reason to complain that they were renewed last Session by a short bill, for another period of three years and a half, without any satisfactory explanation from his Majesty's Government as to their previous operation, though they had already undergone a trial of five years. When his Majesty's Ministers proposed the renewal of these bills for a further period of three years and a half, they should have been prepared to furnish the House with their reasons for doing so. The answer which the Government then gave to his complaint was, that instructions had been sent out to the Governor of Newfoundland to procure the opinions of the law officers there as to the operation of those laws; and the reply of the Governor was, that they had not as yet been enabled to form a decisive opinion on the subject. There were three Judges and an Attorney-general resident there, and it was rather strange, that after five years experience of those laws, they could not give a decisive opinion as to their practical operation: that circumstance alone was sufficient to justify inquiry. In the Session of 1828 he had given notice of his intention to submit a motion to the House, similar to that which he was about to propose. It was then his intention to bring under the consideration of the House, in the Session of 1829, the various circumstances connected with the government and condition of the colony, unless the Government should take up the subject. and institute that inquiry for which the people of the island were desirous. In the interval, before the commencement of that Session, the people of St. John's transmitted to him a complete statement of their views as to the operation of these laws. Previous to the question coming on last Session, he had inquired at the Colonial Office whether the right hon. Gentleman intended to take up those Acts in the course of the Session, with a view to their re-enactment or modification, or whether he was disposed to consent to the appointment of a committee of the House, in the first instance, to institute an inquiry into the subject. The latter appeared the best mode of proceeding, as the House, before it legislated for this colony, should be afforded the means of judging in what manner legislation could be best applied. The right hon. Gentleman stated, that he was not then prepared, by the information he had received from the local authorities in the island, to say whether any alteration could be advantageously made in these Acts; and accordingly, at a late period of the Session, the right hon. Secretary introduced a short bill into this House to continue them for a further period of three years and a half. He opposed that bill, with a view to procure an inquiry into what had been the practical effects of those laws; objecting to the motion, that if those laws were continued, the affairs of the colony would again be neglected, and no steps taken to encourage its agricultural and commercial resources. The right hon. Gentleman proposed the re-enactment of those Acts without inquiry, because the official authorities in the colony were not prepared to give an opinion as to the operation of those laws, though they had been in existence for five years. But these persons might not be better prepared in 1832, when those Acts would again expire, and the right hon. Gentleman would then probably come down with a similar statement to the House; and in that way Newfoundland would be legislated for by bills prepared in the Colonial Office, without parliamentary inquiry, and without the rights of the people of the colony being at all attended to. Against such a system of legislation he protested. Newfoundland was the only one of our colonies in North America that did not possess a local legislature of its own; and it was without the power of making a road, or even beginning the slightest improvement, except it were done by the Government. Some time back he had moved for certain papers, to shew what steps had been taken by his Majesty's Government, to ascertain the operation of the present laws in that colony. Amongst those papers was a correspondence between the Colonial Office and the Governor of Newfoundland; and in that correspondence, Sir Thomas Cochrane, the governor, referred to communications he had received from the Judges in Newfoundland on the subject. When the right hon. Gentleman last Session proposed the renewal of those Acts, he did so upon the ground that it was necessary to have further time to ascertain the opinions of the Judges in Newfoundland as to their operation; but in the correspondence of Sir Thomas Cochrane, he spoke of some accompanying letters from the Judges on the subject. It was of great consequence that those letters should be produced, that the House might know why those learned persons, who had administered the laws for five years, were not prepared to make such a statement as would enable the House to judge in what manner they had operated. In justification of the course which he thought it his duty to pursue, and in corroboration of his opinions in reference to this colony, he would read to the House an extract of a letter from the present Chief Justice of New South Wales, Mr. Forbes, who formerly presided in the Supreme Court of Newfoundland. In the representations made by that learned person to the Colonial Office, as to the improvements which ought to be effected in the administration of the affairs of Newfoundland, and in the sentiments which he expressed as to the introduction of a better system of law there, he entirely concurred, and they would be found to bear out most fully the statements which he had made to the House on this subject. That Judge said, "As a general remedy, whatever tends to revive the fisheries must also have the effect of relieving the people. It were desirable, that, with a view of opening some auxiliary employment to the inhabitants of Newfoundland, every restraint upon the cultivation of the soil should be removed, and every encouragement given to the breeding of sheep, cattle, and other live stock. The necessity of cultivating the soil as an auxiliary to the fishery is not disputed, nor is there any existing law which prohibits it, but there is none to encourage it, and there is still maintained in the island an ancient opinion, that it is against the policy of Government—as if that could be called policy which, in a country overstocked with people, and distressed for food, would prohibit so plain a dictate of natural law as that of raising subsistence from the earth. This cannot be, and is not the policy of the British Government, and nothing is wanting but a fair apprehension of the case to induce its enlightened rulers, not only to remove every shadow of obstruction for the cultivation of the soil, but to encourage and protect it by every means in their power. To preserve the transient fishery has been found impracticable, to attempt to revive it would be to shut our senses against the light of reason and the lessons of experience. As a broad proposition, it may be maintained, that if the fishery were to be taken up as it is *de facto*, and a system adapted to the present state of things, openly avowed and directly pursued by the local authorities, Newfoundland would become, what it ought to be, a prosperous settlement, subsisting itself by internal resources, drawing its manufactured supplies from the mother country, and repaying her care by a valuable trade and a numerous race of seamen, trained to her service, and ready to attend her first call in defence of the empire."—Such was the language of Mr. Chief Justice Forbes, and no individual was better qualified than that learned gentleman to give an opinion. He did not mean to enter into a statistical account of Newfoundland, but to prove the importance of the trade of the island, he would merely state, that 851 vessels had entered the ports of Newfoundland in 1827, and that 400 registered vessels were employed in the fishery alone. There were probably also between 3,000 and 4,000 boats, employing on the whole about 10,000 seamen. The importance of removing any thing that impeded the improvement of such a colony was manifest. That colony was, besides, one which imposed no tax on the people of this country in the shape of protection for produce, like the West Indies or Canada. The fish, which formed their chief article of export, were sent to the markets of the south of Europe, and to the West Indies, and but little came here for our consumption. The colony was, therefore, no burthen to us; its trade was deserving of protection, for it employed a large quantity of British capital. He did not know that he was called on to point out the precise measures which the Government ought to adopt, further than to affirm, that it ought to inquire in the first instance; but he thought measures might be taken to procure a more favourable admission for the produce of Newfoundland into foreign markets. Salt fish paid an import duty of 100 per cent in most of the countries of the south of Europe, and in some of them still higher duties were levied. Now he thought Government might procure a reduction of these duties, which would be equally advantageous to the people of those countries, and to the inhabitants of Newfoundland. He knew, for example, that the Neapolitan Minister, M. de Medici, was well disposed to make such a reduction had the matter been pressed when the duties on Italian produce were lowered in this country. The colonists had now to complain also of the conduct of Government with respect to the limits within which the French were permitted to fish. The portion of the coast to which they were permitted to have free access for that purpose was the best portion of it, and the liberty they enjoyed was conceded by the Treaty of Paris, made on the restoration of the Bourbons. The people of Newfoundland did not want to exclude the French, but there were doubts whether the right thus claimed by them were permissive only, or exclusive. The fish were migratory, and they had abandoned what were formerly the best stations belonging to the British, and were now found in great abundance on the French grounds, to which, though they were conceded to them by us, they would not allow our people to have access. The Chamber of Commerce of St. John's, Newfoundland, made a report on August 5th, 1829, on this subject, and in that the Chamber said, "that in the course of last autumn it took occasion to inquire whether his excellency the Governor would sustain British vessels in fishing upon that part of the coast commonly denominated the French coast, or if he would order their removal? In reply, his excellency caused the Society to be informed, that he was not prepared to protect any British vessels in fishing on the coast in question: at the same time his excellency had no instruction to direct their removal; but recommended that before the fishery be resumed, the parties proposing to do so should previously communicate with his Majesty's Government. In concordance with the recommendation of his excellency, the Chamber prepared a petition which was addressed to the right hon. Sir George Murray, and forwarded to him, through the Governor, so long ago as the 6th of January last; but up to the present time no answer has been returned, and the Chamber remains ignorant of the intentions of his Majesty's Government on this important point." In consequence of not receiving an answer, the Chamber sent him a copy of the petition. He wrote to the right hon. Gentleman to know what were the views of the Government with respect to that Treaty, and the answer, though most courteous and proper in every other respect, surprised him exceedingly by the declaration that the Government did not know what construction to put upon the 14th Article of the Treaty. The government of Newfoundland thought the right of the French was only permissive, and that was his opinion. What then made the Government at home hesitate so much about it, when the settlement of it was of so much importance? Whichever way the question were decided, it ought undoubtedly to be promptly settled; and were the government of the United States in the place of our Government, it would soon bring the question to a conclusion. Again, the inhabitants of Newfoundland had to complain that their interests were sacrificed by the convention concluded with America in 1818, and sacrificed in spite of their earnest prayers, that the Government would not give up, as it did, our most valuable fishing-grounds to the Americans. But the American commissioners were better informed than the British; and so were able better to protect the interests of America than the interests of Newfoundland were protected. The consequence of the concessions then made had been a vast increase in the American fishing vessels, which now far outnumbered those belonging to this country and its Colonies. They had last year 1,800 vessels employed, and we had only 1,200. He did not blame the right hon. Gentleman, or the present Government for this; but he insisted that these circumstances gave the inhabitants of Newfoundland a strong claim on the Government now to have their case investigated, and every relief given them which was in the power of the Government to bestow. The competition which our fisheries had to sustain was very unequal also, for both the French and Americans gave large bounties to encourage their fisheries. Last year the French government gave no less than three million francs as bounties, and this sum was annually allowed by it for the same purpose. Up to 1824 Newfoundland had more than paid its own expenses, and had contributed in twelve years 89,000*l.* to the Treasury of this country. Since that time, a part of its expenses had fallen on the mother country. Having entered into these topics, very briefly, however, and he wished the people of Newfoundland had a better advocate than he was, he would conclude by expressing a hope that the effect of the Motion would at least be to induce Government to bestow a little more attention upon that unfortunate and neglected colony, particularly as a new rival had lately sprung up in that quarter—the Danes were now carrying on their fisheries with so much spirit, that they had already driven us out of the market of the north of Spain. The hon. Gentleman concluded by moving "That a Select Committee be appointed to inquire into the state of the Island of Newfoundland."

Sir *G. Murray* was of opinion, that the hon. Member had not made out a case that rendered it necessary for a committee of that House to inquire into the state of Newfoundland. The original policy of the Government was to make that colony a nursery for seamen. That system, however, had been altered, and colonization, though it was never encouraged, had gone on to a considerable extent. The consequence was, that there was now a population of 80,000 or 90,000 souls. The old system having been abandoned, they could not return to it, and all they could do was, to give to this nucleus of population every possible support, and that he contended was done. The hon. Member had made it a matter of accusation against Government that he (Sir G. Murray) had last year come down to the House with a short bill to continue the enactments of 1824. But what was the reason of that? Why, the Governor had been consulted on the subject, and his opinion was, that those laws had not been long enough in operation to enable him to judge of their efficacy, and therefore it was proposed to continue them for some time longer. For thus acting he could see no ground of censure, though the hon. Member had imputed blame to the Government. Neither did he see in these circumstances any ground for inquiry, or any means of successfully inquiring. Of whom were they to ask as to the operation of these laws? The Judges said they were not prepared to give any opinion. In accordance with the declaration which he had made last year, he now repeated, that whenever information was received that these laws did not work well, or whenever a mode of amending them was pointed out, he would attend to the suggestions given. The hon. Gentleman had observed that Government ought to endeavour to introduce the products of Newfoundland into foreign countries on the best possible terms. He admitted the fact; but he could not see the necessity of appointing a committee on that ground, unless it was meant to be contended, and to be proved, that the Government did not obtain such terms from other countries as it ought—an inference the correctness of which he denied. The hon. Member had referred to the treaty of Ghent as disadvantageous to this country, with reference to the Newfoundland fishery. He would ask, was it fit that a committee should be appointed to criticize the treaty of Ghent? And what good, he demanded, could be derived from such an investigation? He had touched generally on the topics introduced by the hon. Member, and so far as he could perceive, the hon. Member had not established any sufficient ground for the appointment of a committee. The hon. Member had said, that in the government of this colony Ministers were influenced by persons more anxious about their own interests than the general interests of the country. All he would say in answer to that was, that if the hon. Member, or any other individual, could state any thing that was likely to promote the prosperity of that colony, he would be happy to adopt it. In conclusion, he expressed his intention of opposing the Motion, because he was convinced that no good whatever would result from a committee of that House inquiring into the best means of regulating the colony of Newfoundland.

Mr. *Bernal* was of opinion, that the hon. member for Worcester had made out a case that required the immediate and serious attention of the Government. The Colonial Department was called on to decide upon some plan for the improvement of the colony, which could no longer be regarded as a mere fishing station. If it were considered in the light of a colony, it became the duty of Government to do every thing in its power to assist it. It appeared to him that the disputes about the right of fishing on the coast of Labrador ought to be immediately set at rest. If the hon. member for Worcester could, however, get an assurance from Government that it meant, without delay, to procure some explanation from the American government on this subject, he would advise him to leave the business in the hands of Ministers. If he could bring Government to declare that these complaints should be investigated,—that they should not be laid on the shelf like an old musty record,—he would advise the hon. Member not to press his Motion.

Mr. *Labouchere* could not coincide in the advice which had been given to the hon. member for Worcester, not to press his Motion. He thought that if a committee were appointed, it would be attended with beneficial effects. He could not see why there should be so much delay in arranging the concerns of 80,000 persons at Newfoundland, and it was notorious that no attempt had been made to redress the grievances of that colony. This alone was a sufficient ground, if there were no other for demanding a committee, and he had no doubt that its labours, if one were appointed, would be satisfactory to the colonists.

Mr. *Hume* charged the Colonial Department with negligence in its conduct towards this colony; and contended that, the labours of a committee could alone remedy the evils occasioned by that negligence. If a committee were appointed, it might investigate many important points, and especially how it happened that Newfoundland had lost its fisheries; and how it happened that the fishermen, when that took place, were left twelve months without an answer to the application they then made to Government to know if they might go elsewhere to fish; he submitted that a committee was the only proper means to obtain that and much more necessary and important information. Here were 80,000 inhabitants, who, as the member for Worcester stated, had not the power of making a road. Was it possible that those persons could be satisfied under the rule of one man? That was a subject that required serious consideration. Those persons should surely have some power over the management of their own affairs. The hon. member for Worcester said, that the Gentlemen who sat on this side of the House were enemies to the Colonies. That was not the fact. He (Mr. Hume) was friendly to the Colonies, but he did not desire to see them conducted on principles of extravagance and misrule. He wished to see Englishmen, when they lived in the Colonies, enjoying all the freedom they enjoyed at home. But the present system proceeded on a principle the very reverse of that. He hoped that the hon. Member would not withdraw his Motion; if he divided the House with only six supporters now, he was sure that he would have a greater number next year, and he trusted therefore that the hon. Member would persevere.

Sir *George Murray*, in explanation, said, that the Governor of that colony had been put in possession of the fullest information, on the point alluded to by the hon. member for Montrose by his predecessor, the late Secretary for the Colonial Department.

Mr. *Warburton* thought, that the Newfoundland fishery admitted of great extension. Those individuals whom he had the honour to represent, depended almost entirely on the manufacture of ropes, lines, and other things used in the fisheries, and it was of great importance to them, and to other persons residing in different places, employed in a similar manner, that the utmost encouragement should be given to the fisheries.

Mr. *Robinson* in reply, observed, that the answer of the right hon. and gallant General was directed entirely against the form of his Motion. He had not said a word in answer to the case which he had made out. A committee of the House would, if not in this Session, at least in the next, be able to lay before Parliament such information as would enable it to adopt measures for the improvement of the Newfoundland fishery. He would persist, notwithstanding the advice of the hon. member for Rochester, in pressing his Motion, unless he received an assurance from Ministers, that in the next year they would institute an inquiry which would enable the house to Legislate on the subject.

The House then divided, when there appeared for the Motion 29; Against it 82;—Majority against the Motion 53.

List of the Minority.

Althorp, Lord
Baring, F.
Beaumont, T.
Bernal, R.
Bright, H.
Brougham, H.
Clements, Lord
Dawson, A.
Denison, E.
Ebrington, Viscount
Gordon, R.
Graham, Sir J.
Hume, J.
Jephson, C. D. O.
Lamb, Hon. G.
Lester, B.
Marshall, J.
O'Connell, D.
Peachy, General
Ponsonby, Hon. W.
Protheroe, E.
Rice, T. S.
Stewart, Sir M. S.
Thomson, C. P.
Uxbridge, Lord
Warburton, H.
Ward, J.
Whitmore, W. W.
Wyvil, M.

Tellers.

Labouchere, H.
Robinson, G. R.

IMPROVEMENT IN CHANCERY.] Mr. *Brougham* observed, that in the last Session, a bill had come down from the other House, for effecting an alteration in the existing system of the Court of Chancery. That bill disappeared almost immediately. He now understood that another bill which had been in the present Session introduced into the other House, was also about to be withdrawn. In this situation of uncertainty, those who in that House wished to make some reform in the law knew not how to shape their course. He therefore begged leave to ask, if one Chancellor of his Majesty's Government could inform him whether the measure introduced by another Chancellor was likely to proceed?

The *Chancellor of the Exchequer* said, he knew nothing whatever of the rumour to which the learned Gentleman alluded.

Mr. *Brougham*—Oh! then, I suppose I am to consider the report as utterly groundless.

GRAND CANAL (IRELAND).] Lord *Tullamore* moved, pursuant to notice, for a Select Committee to inquire into a grant of 18,000*l.* from the Irish Loan Commissioners to the Grand Canal Company for the extension of the navigation to the town of Kilbeggan. His Lordship supported his Motion by declaring, that a committee to inquire into this business would expose a scene of jobbing, and enable the Parliament to put an end to much iniquity of that kind in Ireland. The grant, he contended, was illegal, the security taken for it was not sufficient, and the work proposed to be executed of no public advantage whatever.

Mr. *Alexander Dawson* represented the work to be of great public utility, and described the opposition of the noble Lord as the result of a rivalry between him, the proprietor of the town of Tullamore, and a Mr. Lambert, the proprietor of the town of Kilbeggan.

Lord *F. L. Gower* defended the loan, as made solely with a view to the public advantage, and denied that there was any jobbing in the transaction, or in any other with which the Government was connected.

Motion negatived without a division.

HOUSE OF LORDS,

Wednesday, May 12.

MINUTES.] Lord SKELMERSDALE presented a Petition from the Inhabitants of Stockport, against the East India Monopoly.

On the Motion of the Bishop of LONDON, the Bill for dissolving the marriage between Thomas Buxton and Elizabeth Hickson was read a first time.

BRITISH SPIRITS.] The Earl of *Rosebery* presented a Petition from the Justices of the Peace and the inhabitants of the county of Linlithgow, against the proposed increase of the Duty on British Spirits. The noble Lord remarked, that when the measure to which this petition referred was first introduced in another place it was entirely upon financial grounds, and for the purposes of revenue; but if the operation of the measure went to afford an undue protection to the West India interests, and if it interfered with that arrangement which was made, in 1825, by the then Chancellor of the Exchequer (Lord Goderich), so as to give an unfair advantage by an alteration of the proportion of protection to one party over the other, it was a measure which ought to meet with the most serious consideration before it was adopted. He quite concurred in the prayer of the petition.

[The noble Earl presented similar Petitions from the Members of the West

Lothian Agricultural Society, and from the Magistrates of the royal burgh of Linlithgow; as did Lord Duncan from the county of Forfar.]

The Earl of *Malmesbury* said, he was extremely happy to see such a number of petitions presented against this measure. He had, their Lordships would recollect, adverted to this subject on a former evening, and he gave notice that it was his intention, in case the new duties should be pressed, to oppose the measure.

HOUSE OF COMMONS.

Wednesday, May 12.

Minutes.] Mr. Hobhouse brought in a Bill for the Regulation of Parish Vestries. The Lord Advocate brought in a Bill to facilitate Criminal Trials in Scotland.

Returns ordered. On the Motion of Mr. A. Ellis, the number of Persons convicted of Forgery on the Bank of England between 1791 and 1829, distinguishing the number of capital convictions, executions, and mitigated punishments:—On the Motion of Mr. F. Buxton, Copies of Information received from Jamaica, respecting the treatment of a Female Slave by the Rev. Mr. Bridges, with the Minutes of the Evidence taken on the occasion:—Of information relative to the illicit removal of Slaves from one Colony to another, and prosecutions instituted in consequence:—The Record of the Court of King's Bench, Antigua, in the case of a free man of colour named Parker, and the correspondence on that subject between the local authorities and the Colonial Department:—Abstract of the Returns of the Slave Population in each Colony since 1816.

Petitions presented. Against the Beer Bill, by Mr. Portman, from the Clergy, Gentlemen, and others of Blandford:—By Mr. Curteis, from Hailsham:—By Mr. Sykes, from the Licensed Victuallers of Kingston-upon-Hull:—By Mr. Chaplin, from the Inhabitants of Market Deeping; and from the Licensed Victuallers of Oaken-Gates:—By Mr. B. Carter, from the Publicans of Petersfield:—And by Lord Stanley, from the Publicans of Ashton-under-Line. For the Repeal of the Malt Tax, by the Attorney General, from Peterborough. Against the proposed Stamp Duties (Ireland), by Mr. Ponsonby, from the Inhabitants of Youghall. For the repeal of the Duty on Hops, by Mr. Curteis, from the Inhabitants of Mayfield. Against inflicting the Punishment of Death in cases of Forgery, by Mr. S. Bourne, from Ashburton:—By Mr. Pendarvis, from the Corporation of Falmouth:—By Mr. R. Gordon, from the Inhabitants of Malmesbury:—By Mr. F. Buxton, from the Inhabitants of Sutton (Isle of Ely), Stourbridge, Dorking, Sunderland, Milford, Bishop Wearmouth, and Monk Wearmouth, and from Protestant Dissenters at Bristol and Exeter:—By Mr. S. Rice, from the Provincial Bank of Ireland at Clonmell:—And by Sir C. Cole, from the Bankers of Swansea. Against the Truck System, by Mr. Mundy, from the Tradesmen of Ashby Wold. Against the proposed Duty on British Spirits, by Sir J. Sebright, from the Farmers frequenting Ware Market:—By Sir T. Gooch, from the Farmers of Suffolk:—And by Mr. A. Hay, from the Magistrates of Linlithgow; and from the Members of the West Lothian Agricultural Association. Against Suttees, by Mr. J. Wood, from Dissenters at Preston:—And by the same Gentleman, from 1500 Inhabitants of Preston, for a Reform in Parliament. Against altering the Welsh Judicature, by Sir T. Mostyn, from the Grand Jury of Flintshire:—And by Mr. Blackburn, from the Inhabitants of Warrington. Against compelling the Merchant Seamen to contribute to Greenwich Hospital, by Lord W. Powlett, from the Seamen of Sunderland:—And by Mr. Pendarvis, from the Seamen of Falmouth. For the repeal of the Duty on Coals carried Coastwise, by Mr. Hodgson, from the Inhabitants of Barnstaple:—And by Mr. S. Rice, from the Manufacturers of St. Thomas, Dublin. For the abolition of Negro Slavery, by Mr. Sykes, from the Men and Women of Great Driffield:—By Lord Milton, from the Inhabitants of Nottingley:—And by Mr. O. Cave, from certain Inhabitants of London. Against the renewal of the East India Company's Charter, by Mr. Blackburn, from Warrington:—By Mr. Stanley, from Prescot:—By Mr. W. Whitmore, from the Incorporation of Merchants Leith; and from the Inhabitants of the Clothing Districts of Farsley:—And by Mr. Ponsonby, from the Inhabitants of Youghall.

Doneraile Conspiracy—Conduct of the Solicitor-General (Ireland).] Mr. *O'Connell* spoke to the following effect: Before I proceed to bring forward the Motion of which I have given notice, I wish to observe, that the notice for this day which appears on the paper, relative to the homicides at Borrisokane, must have got there by some mistake, for which I cannot account, as my notice relative to that affair was for Tuesday next. This I am at a loss to explain, as there was no mistake on the subject in the public papers. The notice which I gave for this day, and upon which I rise now to move, is one for the production of documents which I deem necessary in order to enable the House to judge correctly upon a matter of serious importance as connected with the administration of justice, and to make it as probable as possible that I may obtain them, I shall limit the number as much as is consistent with the objects I have in view; and I will begin by stating, that although my notice is for the depositions of all the witnesses examined on the Special Commission at Cork, I shall now limit myself to moving, in the first place, for the depositions of but one witness, Patrick Daly; and, secondly, for the notes of the learned Judges who presided at these trials. Each of these Motions require a different consideration, but in both I shall lay grounds plainly and distinctly, to entitle me to the information I require. Before moving for these documents I shall state the specific subjects of each, and then I shall show how they are to be applied. The object I have in view is that of bringing before the House a complaint of the mode of preparing criminal cases for trial in Ireland, by Magistrates taking depositions without the knowledge of the parties charged; which appears to me a bad, a dangerous, and an unjust practice. I shall, for this purpose, instance the particular case of the Doneraile Conspiracy, and the mode in which information was taken in that case. That is my first object, and I shall bring it specifically before the House, that it either may be censured, as inconsistent with law, or, if it shall be found sanctioned by usage, that it may be altered by the Legislature. My second object is to complain of the mode in which the prosecutions under the Special Commission were, in one respect, conducted by the counsel for the Crown, in order, if it appear from the facts that my complaint is well founded, that I may take the opinion of the House as to the legality of this mode; or, if the practice resorted to, has been sanctioned by usage, then I think I shall easily obtain leave of the House to bring in a bill to alter that usage. Such are the objects I have in view, and I shall state the grounds of them distinctly and plainly, and without any irritation or angry feeling whatever, but at the same time as fully as ever I stated them anywhere, according to the best of my recollection. As far as I have been able I have looked to the reports of what I have said elsewhere, and although I know these reports to have been somewhat stronger than the language I made use of, yet I shall not question their accuracy, but shall abide by the statements that have, as far as I know, been imputed to me. It will be now necessary, before entering on the first question, to direct the attention of the House to the nature of the Doneraile Conspiracy. About the year 1821, it is well known that the whole of the Southern districts of Ireland were in a disturbed state. Political acrimony and agitation amongst the Catholics, which had ceased on the occasion of the King's visit to Ireland, had afterwards, when the hopes excited by that event had faded away, been revived with increased force, and the country became extremely discontented. In some parts of the South the discontent actually broke out into open rebellion; which was put down, partly by force, partly by the arm of the law, and also, I will say, in a great degree by others, whom, to avoid any cavil, I will distinguish merely as parties who were looking for constitutional relief. Several of the parties engaged in these disturbances were in a state of outlawry, and amongst the parts of Ireland so disturbed, and in which many of these outlaws were to be found, was the neighbourhood of Doneraile. Against many persons there informations had been sworn, and they were, I believe, capable of committing any crime whatever. There resided in that neighbourhood a Magistrate, Mr. Bond Lowe, a courageous and an active Justice of the Peace, who, in the discharge of his duty, attempted to apprehend these bad characters. The consequence was, that conspiracies were formed against his life, and not only was he threatened, but actual attempts were more than once made to carry the threats into execution. Other parties were involved in these conspiracies, but I fear it will turn out that those who were thus involved became so through the means of persons whom the magistrates employed; for, after the year 1821, a certain Patrick Daly was taken into pay by certain magistrates in the neighbourhood of Doneraile, who thought it fair to keep him as a spy, and receive information by his means. I will now put it to the House, whether it were likely that this man would continue to receive pay unless he made discoveries, and whether it were likely that he would not make discoveries sooner than lose his situation. This is the man for whose deposition I am about to move. The House should be aware, that on or about the 20th of January, 1829, when Dr. Norcott, a physician, was returning from a party with his daughter, the carriage in which he rode was fired at, and his coachman wounded in the shoulder. That attempt to murder was made on the 20th of January. Another conspiracy, having the same object, that is, murder, in view, was entered into on the 28th of February. Mr. Bond Lowe it was determined should be murdered on the 2nd of March, and I wish the House to be made aware that Daly, the Magistrates' hired spy, gave no information to any living person of this affair in time to prevent the fatal consequences which it threatened. The ruffians put this plan into execution at a place called John's Wood, and on that occasion, although Mr. Lowe escaped, his horse was severely wounded in the shoulder. The next date in the history of these black events is the conspiracy of the 27th of April, when it was agreed to way-lay and shoot Mr. Lowe on the 2nd or 3rd of May, and a place called Bathskreen was selected for the purpose of carrying the design into execution. The life of Mr. Bond Lowe was then again attempted, but the presence of his friend, Mr. Nagle, whom the conspirators were unwilling to injure, saved his life, and prevented them even from making the attempt. Unquestionably a conspiracy to murder certain persons existed, and it is no less true that spies were hired by the magistrates, but those spies, instead of denouncing, fomented the conspiracy. At length the informer took a high flight in the objects of his denunciation. Amongst other respectable individuals whom he sought to implicate in these designs was Mr. Daniel Clancy, of the town of Charville, a Magistrate, and as respectable and amiable an individual as can be found in the community. Persons named Leary, Connors, Murphy, and Burke, small but respectable farmers, were also implicated. Of these Leary was convicted, Connors was acquitted, Burke was acquitted, and Murphy was not tried, but was discharged from the prosecution altogether. I implore the attention of the House to the situation of these innocent persons, (for of Leary's innocence I have no doubt) thus charged with these horrible offences, and involved in the guilt of those with whom they had no connection. I cannot conceive any men more worthy of the compassion and commiseration of the House. I beg to call the attention of the House to the characters of these individuals. They were small farmers—men of industrious habits—men of respectability, and the more deserving of admiration and sympathy, as they had raised themselves from a more humble lot by the exertions of their own hands. And let me tell this House, that it is most important that persons of that character should be protected in Ireland, because, wherever they abound, Whiteboyism declines. Those farmers have something to lose, and are therefore the friends of good order; the Whiteboys consist of those who are utterly destitute. I was counsel for those men, and I am not ashamed to say that my heart's best feelings were warmly enlisted in their cause. And I was the more interested in their fate, because Leary was found guilty on the first day, when I was not present, and his conviction added greatly to the danger of the others. I wish to say that I do not mean to cast the slightest imputation upon the Juries which tried those persons. The first was exclusively Protestant, and returned a verdict of guilty against Leary, rightly considering the evidence before them, but perhaps too rapidly, considering the character of the informer. On the second Jury there were five or six Catholics. The major part of these were for conviction, being more or less convinced of the guilt of the accused; one man, a Catholic, was for total acquittal—he was opposed by his brother Catholics, but he held out for two days, when one of the Jurors became ill, and they were all dismissed. The third case came on, and Catholics were entirely excluded from that Jury. It was exclusively Protestant, and almost instantaneously acquitted the prisoners. In consequence of this verdict, Leary, who had been convicted, was respited; although the Judge had intimated to him that his case was hopeless: he was not executed—he was transported; and it will be a subject worthy of future consideration whether that punishment might not be considered incommensurate with his ambiguous guilt. On the third trial I come to Patrick Daly, the principal witness for the Crown, and I shall state how the acquittal on that trial was obtained; Patrick Daly had been for six or seven years a spy for the magistrates, and he swore that Leary, Connors, Murphy, and the other conspirators, had determined to murder Bond Lowe, on his return from the fair of Kildorrery; that the conspiracy was concocted in a tent, and that all these persons were present when a death-warrant for the murder was written out, and signed by them, the chief conspirators or committee-men. The murder, he said, was to be perpetrated by the Kildorrery-men, because they were on the spot, and might get home undiscovered. This was not a very likely story, particularly as the witness had previously stated that the murder was to be committed in open day. Mr. Baron Pennefather, during the cross-examination of the witness, handed me the depositions of this same man, taken before the magistrates on the 29th of April, 1829. That was in the interval between the conspiracy and its execution, but in the depositions not one word was said of the death-warrant being signed in the tent, or of the other facts to which he swore on his trial. I now put it to the consideration of every Member of this House, could that individual have sworn the truth when giving his depositions, and not have mentioned this fact of the death-warrant, and of the fair of Kildorrery? If the evidence on this point were true, the depositions must have been false. But these depositions and informations are part of the secrets of the Crown in Ireland. In England, it is true, an accused individual is informed of the details of the charge against him; but in Ireland, he seldom knows any thing of the matter, unless by surmise, or except he be guilty. Sir, in this case, the result of the production of these depositions was, that the accused man was at once acquitted. And here I complain that the leading counsel for the Crown held in his brief that very document, and at the very moment when he was seeking the capital conviction of the men who were at once exculpated by its production. This is a question of propriety, but I cannot acquiesce in the justice or humanity of withholding a fair chance of exculpation from an unfortunate wretch, when trembling on the very brink of eternity. On this principle I have acted in my own cases. I am not often the prosecutor, but where I am, I repudiate such evidence as I have just noticed. I could not think myself justified in seeking a conviction where I did not feel perfectly satisfied as to the guilt of the accused. If this be the duty of a private professional individual, how much more imperatively is it the duty of the professional advisers of the Crown?—whose object never ought to be the infliction of punishment, but a fair administration of justice. There were many discrepancies between the depositions and the evidence of Daly. In his depositions he stated, that he went to the fair early in the morning; in his evidence he stated that he did not arrive there till nine o'clock. In the Court he accused William Shine of being a partner in the crime; in the depositions this man's name never occurs. But rejecting all these subordinate points, I say that the omission in the deposition of the tent scene, and the death-warrant, and all the circumstances that gave to the evidence the colouring of facts, was a fatal variance that should have led any man, seeking not blood but justice, to reject Patrick Daly's testimony. Again, Sir, then I complain of the suppression, on the part of the Crown-counsel, of that which the Judge thought it his duty to produce. I will do him the justice, however, to admit, that he had on that occasion the assistance of three learned gentlemen of the Irish bar, Mr. Serjeant Goold, Mr. Bennet, and Mr. Green, whom I take it for granted were aware of the contents of these depositions. To the characters of Mr. Bennet and Mr. Green I willingly bear my testimony; more humane and excellent gentlemen cannot exist. On the testimony of Mr. Serjeant Goold I will not rely, because he has been known to express opinions on this subject which went much further than suppressing such a document. But if gentlemen will maintain the legality at present, of this method of looking at evidence and depositions, surely they will concur with me in introducing a bill into this House, the object of which shall be to correct so objectionable a mode of proceeding. In the conduct of this trial, the learned Counsel said, that he could corroborate the testimony of Daly by the production of a boy of the most unbiassed feelings and unimpeachable veracity. What was the fact? This boy, it was said, had been actually introduced by Daly into the tent on the occasion of the alleged conspiracy at the fair, and had been directed by him to observe the writing and signing of the murder-warrant. Yet, I ask, did Daly state this fact in his deposition. He alluded neither to the person nor the act. I call, then, for the papers containing the depositions of this Daly. I call on the House to support me in my demands, by the claims of humanity—by the anxiety—the suffering—the agony—which that unfortunate accused but acquitted individual endured in the dock, where he so long stood on trial for the life which a perjured miscreant was swearing away. I never quarrelled with Government for these prosecutions. If the commission was expensive, it had the effect of restoring to liberty, much sooner than they otherwise would have been, many innocent men; I only blame the conduct of the leading counsel respecting the depositions I have alluded to. Such is my case—all I ask for is, these depositions, and the notes of the learned Judge who conducted this trial. Is it intended to produce these documents? I have been taunted on this subject. I now ask those who have taunted me, and those who have applauded them, whether they will meet the question fairly, and accede to my demand? I ask also for the notes of Baron Pennefather—and here I cannot avoid bearing testimony to the admirable demeanour of that excellent Judge. I feel happy in paying a just tribute to the companion of my youth, but who has been raised by his merits to a station far above my humble walk; but never in any country or time, has the Bench been graced with a more admirable union of erudition and humanity. With his notes I should feel satisfied, but, to avoid any invidious feeling, I extend my application to those of both Judges who presided at the Commission of Doneraile. Why do I ask for these documents? Because I wish to have the best evidence to produce to the House in support of my statement. I wish to produce testimony "*omni exceptione major*." I am to be told perhaps that an application for a Judge's notes is novel. I know that I have high legal authority opposed to me on this point—the authority of a man whose independence and extensive acquirements in his profession I sincerely admire, though I differ from him in political feelings. But I beg the House to consider, that in every case which occurs at the Old Bailey, or at the Sessions throughout the country, which is laid before the Privy Council, the Judge's notes are called for and submitted without the slightest exception. If, then, these documents are at the command of the Executive, I ask, can there be any difficulty in submitting them to this House? The Judges themselves are constantly in the habit of calling for each other's notes. When the Lord Chancellor or the Master of the Rolls direct an issue, they familiarly call for the Judge's notes. Why, then, should there be such difficulty when this House requires them? And am I not justified in calling for the highest evidence in this case? Is it fair to meet this case by merely canvassing Daly's evidence, without the documents? I submit not. I say that every Member of this House should have the details of that evidence in his hands. I have been reproached with not having introduced the subject sooner. I confess I feel regret that it should be necessary for me to introduce it at all. I did wish that the subject might have been buried in oblivion, with all the angry feelings to which it has given occasion: but, as far as regards delay on my part, I have only to say, that I could not bring the subject forward with propriety until after the late Cork Assizes. One of the men involved in the Doneraile conspiracy was then tried, and it was not prudent to enter on this case until his fate was decided. If I felt impelled to agitate this matter at all, it was because I had occasion to observe and to regret, that certain invidious distinctions had not as yet been suppressed—because I was compelled to witness political and religious differences perpetuated in some degree by those who ought to have been the first to stifle them for ever. Thank God, however, those distinctions are now gradually and inevitably, and in spite of the exertions of the evil-minded, subsiding! Thank God those differences which have separated man from man are fading away before the operations of that glorious measure to which I hope I may be considered to have contributed in some humble degree, even though it were through the means of excitement and agitation. I have indeed been taunted with agitation and exciting the peasantry to acts which would have risked their being put to death by the King's troops; but I will appeal to my acts to shew that the whole endeavour of my life has been to impress upon the people the folly and the danger of any connection with Whiteboys, or any other illegal associations: that I have succeeded is proved by that powerful combination which became too strong for resistance, and I trust that there are none present who now regret the result. I have moreover submitted this Motion to the House on public grounds, and on those only, and if in the course of what I have stated, any word of acrimony has fallen from me, I regret it, for my wish is not to renew irritation, but to pour oil upon the wounds of my country. Mr. O'Connell then thanked the House for its great indulgence—for the silent attention and exceeding courtesy with which it had heard his observations, and concluded by moving "That there be laid before the House copies of any Depositions or Informations sworn by Patrick Daly, the witness at the Special Commission held in Cork in October last, relative to certain conspiracies to Murder, wherewith Edmond Connors and others were charged on that occasion; and also Copies of the Notes of the Judges who tried those cases."

Mr. *Hume* seconded the Motion.

Mr. *Doherty* said, that if the hon. and learned Gentleman had occasion to apologise to the House, and to thank the Members for their patient attention, he sincerely felt that he himself had much greater occasion for their indulgence, compelled as he found himself, to enter at considerable length into all the circumstances of those trials, the hon. and learned Member had brought under notice. It was with great sincerity, he said, that he regretted to be obliged to go into a statement of the circumstances of this case. If the question involved only his personal character—though never was a charge made more serious or more affecting the character of a professional man, than that of knowing a witness for the Crown to have sworn falsely and to be perjured; and yet with all that knowledge, permitting him to go on in giving testimony that affected the lives of men on their trial—if this were a question affecting his personal character only, he might be less anxious about it, although well justified in taking all means to repel the charge; but he had to defend the administration of justice in Ireland from the charges brought against it by the hon. and learned Gentleman. In doing that he should be obliged to travel through a wide range of facts and circumstances; but he would condense the case as much as possible; and he assured the House he would keep within the limits of moderation. There was, indeed, no cause for personal irritation, and he should be inexcuseable if he infringed those limits on the present occasion. He stood there to defend the administration of justice from a charge most singular in its nature, and to resist a Motion for which there was not, and he trusted never would be, a precedent. He did not deny that he felt an indignant, and he hoped a just sense of an attempt made, for the first time, to establish an appeal from the Judges and Juries of Ireland to that House; calling upon it, without the benefit of hearing witnesses, without the power even of examining witnesses upon oath, to review and perhaps to reverse the solemn decision of a Jury and a Judge, deliberately formed after a patient examination on oath of all those who could give evidence on the matter. That he trusted the House never would do. It never would erect itself into a court for reviewing the criminal decisions of the Courts of Law. Yet to such a Motion was he then called on to speak, though he had thought a charge was to be brought against himself directly and exclusively for his conduct in the case, in having gone on with the examination of a witness, whom he knew to be perjured, in order to get, at all events, a verdict against the prisoners. The hon. and learned Gentleman had, however, gone more extensively into the case, and on account of some supposed culpability in the law-officers of the Crown, had fastened an accusation against the whole administration of justice in Ireland. With the Special Commission then appointed he had nothing to do—whether that commission were wise and expedient or not, he was not called upon to say; but it was due to the justice of the country, and to the respectable gentlemen against whose lives the conspiracy was formed, to investigate the facts. When the special commission was sent down, he, as Solicitor-general was also sent by the government of Ireland to conduct the trials. He knew nothing of that part of the country before—was never before in it, and was unacquainted with its magistracy. When he reached Cork, he and the respectable gentlemen who were with him, they set themselves to work diligently before the trials to examine the witnesses for the Crown, and in stating to the House the course he adopted, he should be able to show how futile and groundless was the charge brought against him. The hon. and learned Gentleman had probably led the House to believe that the accusation of the prisoners, and the principal case against them rested wholly on the evidence of Patrick Daly, the accomplice. There were other witnesses, not accomplices, who confirmed his evidence in every point, and the Jury, after a minute charge from the Judge, Mr. Baron Pennefather—and he concurred in the praise bestowed upon that learned person by the hon. and learned Gentleman—after a minute charge from the Judge, and after due deliberation, the jury brought in a verdict of guilty upon the first day, and that, too, although the judge had on the bench before him, the important document, for a copy of which the hon. and learned Gentleman now called. What he was accused of withholding from the jury was, the depositions of Patrick Daly, but that very deposition was before the judge when he tried the first case, on which a conviction ensued, and the judge had not felt it his duty to call the attention of the jury to it. Nor was it necessary, for there was nothing essential to the case in it; but any one who heard the hon. and learned Gentleman would have been led to believe that this was some secret document, over which he (Mr. Doherty) sat brooding, regardless of those lives which, by its non-production, would have been sacrificed. He maintained, that without that deposition there was evidence enough to convict the prisoner, although from that deposition on a succeeding day the Judge saw enough to direct the acquittal of another prisoner. What were the facts? At the fair of Rathclare some gentlemen of the county were marked out, and decreed to be murdered. One was Mr. Lowe, for being an active magistrate. A second was Mr. Creagh, for being a severe landlord. A third was Admiral Evans, for having made a speech in that House against the Catholics; he forgot who the fourth was. That a conspiracy should be deliberately formed against the lives of gentlemen in this country for such causes, and that by men in a good condition of life, deserving the style of Mr. would be surprising; but it was not at all surprising in Ireland—men above Burke and Leary in rank, were in that conspiracy. At the last assizes for Cork, one of the parties who was before put upon his trial, was again tried and capitally convicted of the offence by the same Judge, Baron Pennefather, who presided at the special commission, after the depositions were known, and after they had been commented on by the hon. and learned Gentleman, and convicted by a merciful jury, which recommended him to the clemency of the Crown—not on account of anything connected with the case, but on the ground of the state of the country having become tranquil. He had then before him a note of the Judge's charge, and he told the jury, properly told them, that if they believed that the fact of the writing in the tent, had by any accident been omitted in the depositions, it ought not to weigh against the testimony of Patrick Daly, and that if they believed the confirmation supplied by Owen Daly, they would do right to convict the prisoner. The prisoner was found guilty; and after that he would ask if there were any grounds for censuring the officers of the Crown for not producing the depositions, when it was not possible to put them into the court as evidence. The hon. and learned Gentleman took credit to himself for not having made this charge before the trial at the last Assises, from fear of exciting a prejudice. Any body conversant with the administration of justice must know that pending any trials it would be wrong to agitate a question that affected the justice of a case. The hon. and learned Gentleman must know, every man must know, that trials had frequently been postponed when a prejudice concerning them had been excited in the public mind. But if the hon. and learned Gentleman refrained from exciting prejudice by a speech upon the subject in that House, he did not observe the same moderation in Ireland; for in that very county where the trials occurred, in Cork, he made speeches upon the subject at popular meetings and at a public dinner. The hon. and learned Gentleman did give the benefit of his talent to the prisoners, in whose fate he might with propriety be warmly interested, and he had a triumph in their acquittal; but what cause of triumph could he (Mr. Doherty) have in their conviction? he who went down merely at the desire of the Government to conduct the investigation. He did not triumph, and he had no motive for triumph. He, who was now charged with having held back evidence that was favourable to the prisoner, was also charged with having produced evidence that was too favourable to the accused. The hon. member for Clare had taunted him in open court at Cork with producing on the trial for the Borrisokane affair, evidence which led to the acquittal of the accused. The Rev. Mr. Spain, the Roman Catholic Priest of Borrisokane, after telling him what evidence he should produce against the police on that trial, cautioned him (Mr. Doherty) not to produce Dr. Hessic by any means, for he would give evidence favourable to the police; but after the examination of the other witnesses, he put Dr. Hessic into the box as he saw the whole affray, and was a gentleman of education, and without any connection with either party. He proved that the people made a violent attack on the police, and in consequence of his evidence the police were acquitted of murder. Had the jury heard no other witnesses than those brought forward by Mr. Spain, they must have convicted the accused, but the evidence of Dr. Hessic, which was important, satisfied them of the innocence of the police, and for bringing forward that gentleman's evidence he had been openly taunted in Cork, for that, he had been slandered by the press of Ireland, and in public speeches made in that country; for that, obloquy had been unsparingly heaped on him, though he should have neglected his duty had he not summoned that witness. The head and front of his offending was, that the policemen were acquitted. If one man was convicted in Cork, was he to blame? Then if one prisoner was acquitted, was it to be said that he should not have been put on his trial, and was he (Mr. Doherty) to be taunted with calling witnesses to inquire into his guilt or innocence? Did the hon. and learned Gentleman deny that there was a conspiracy at all? Why, strike out the evidence of Patrick and of Owen Daly, and yet there was enough in point of law to support the conviction. Was this conspiracy all a mere bubble? Was not Mr. Lowe fired at? Was not Dr. Norcott's carriage fired at by some mistake, because his servant wore the same livery with the servant of one of the gentlemen whose life was conspired against? Was this conspiracy got up to put innocent people on their trial? The hon. and learned Gentleman had declared the evidence given of the writing of the paper in the tent at the fair, decreeing death to Mr. Lowe and the other gentlemen to be absurd; but the fact of the writing in the tent was proved by other witnesses beside Patrick Daly. It was proved by Owen Daly, who seemed unconscious of its import; and it was proved by Garvan on his cross-examination, who stated that it was an engagement that a cow about to be sold should give so many quarts of milk—but the fact of the writing was proved. The fact of the conspiracy was not attempted to be denied; it was proved by the intimation given to Mr. Lowe's steward, who was intreated to get his master home from the fair of Kildorrery, lest he should be murdered. It was proved by the firing at Mr. Lowe,—by the attack on Dr. Norcott's carriage, which was mistaken for that of Admiral Evans, and which had nine bullets sent through it. The meeting of the four committee men, as they were called, at the tent in the fair at Rathclare, was proved; the writing between them was amply proved, though the nature of what was written was only known by the testimony of Patrick Daly. He begged to call the attention of the House to some more facts connected with the case. Burke, one of the four persons accused of the tent conspiracy who was tried for it, and acquitted,—he thought very properly acquitted,—for want of corroborative evidence,—would have been a competent witness at the subsequent trial: he was at Cork during that trial—he went to the office of the attorney for the prisoner, but the counsel for the prisoner never called him as a witness. What was the inference from this? Was it necessary for him to point it out? The Judge noticed it—the Jury were struck by it, and it had some influence on their verdict; for had Burke been produced, he could have disproved the whole story of the writing in the tent if that had been an invention of Daly's. The hon. and learned Gentleman took credit to himself for the manner in which he had brought forward his motion,—to that he did not object, it was his duty to bring it forward if he thought a public officer had neglected his duty, or discharged it in an improper manner. That hon. and learned Gentleman would have been unworthy to be the Representative of a free and brave people had he hesitated to drag any public delinquent, though he were his own brother to the bar of public justice. He did not by any means object therefore to the hon. and learned Gentleman preferring this charge against him in Parliament. But what he did object to, and what he decidedly protested against was, that the hon. and learned Gentleman had cast the most unfounded imputations upon him in his absence elsewhere, and had attempted to excite public prejudice against him in Ireland. In that country the charge that public justice was not fairly administered never failed to produce fatal consequences. Nothing could be more unjust than the imputation that he had shown himself callous to the fate of the prisoners at Cork. When, in consequence of the absence of the hon. and learned Gentleman opposite, who was to defend them, they stated that they were not prepared to go to trial, he (Mr. Doherty) offered either to furnish them with two of the most eminent counsel that could be procured, or to postpone the trial till the hon. and learned Gentleman might find it convenient to attend. He readily admitted the great skill of the learned and hon. Gentleman, and therefore it might have been of some disadvantage to the accused persons that at the first trials they had not the benefit of the learned Gentleman's assistance, but he was at the same time sure that the prisoners received very able assistance. The trials closed with the acquittal of Burke. Not on account of the production of the depositions, as he believed, for they were throughout the trials in the hands of the Judge, but on account of the evidence being insufficient to justify a conviction. At the close of the trials there was in the Court-house much triumphant remark on the alleged discrepancy between the depositions and the evidence; the counsel for the prisoners had undoubtedly a right to take advantage of it, but his own conduct was guided by principles different from theirs. In his opinion, the discrepancy was of no moment, and he had, as an advocate for the Crown, done all he could fully and freely to elucidate all the facts of the case. To shew the House how he felt on such a matter he would with its permission read a short extract from a Speech which he made at Clonmel at the trial of a prisoner for murder. On that occasion he stated what, in his opinion, was the proper course to be pursued by the counsel for the Crown. His words were these:—"My Lord; I state this publicly and openly, in the presence of these two professional gentlemen, in order that I may be contradicted or set right if I have mitigated or not accurately detailed what occurred, and for that purpose I again repeat, that I did on the former trial state the facts from a brief prepared by the able and diligent professional persons concerned for the friends of the deceased. I did call all the witnesses whom those gentlemen thought necessary, and if the trial were to last for three days, they shall have every witness produced and examined with whose name I have been thus furnished, and I will take every suggestion from them which they shall offer to me, calculated to probe this melancholy and disastrous occurrence to the bottom; they will be taken in the same spirit that the Crown Solicitor has this day taken the only suggestion that has been offered by the same person who furnished this brief; only one suggestion with respect to the jury was given, and that was at once acted on, by setting aside a person whom Mr. Lanigan expressed a wish not to have on the jury, though no cause of challenge was assigned, and therefore I wish to be distinctly understood, that nothing which can be done in fairness for the satisfaction of the friends and relations of the deceased, and to convince them fully that they have had free access to this court of justice for a full and impartial investigation, shall be omitted or neglected by me, but I must recollect that I have another duty to perform. I will not content myself with putting forward all the evidence these parties desire to produce; I shall not stop there; I shall produce every witness whose evidence, in my opinion, can tend to elucidate this case. It is not for me to conduct this prosecution as though I were playing some game in which I was at liberty to resort to skill, dexterity, and stratagem, for the defeat of an opponent; I cannot forget that the life of perhaps an innocent individual is at stake: it is not for me to procure a conviction by the production of some witnesses and the withholding of others. I appear here to conduct this prosecution on the part of the Crown, which is surely at least as much interested to protect the innocent as to punish the guilty. It is not by giving a garbled, partial, or imperfect view of the facts of the case to the jury, that I should perform my duty. It is, I conceive, my duty under the peculiar circumstances of this case, on the one hand to produce all the witnesses whom the friends of the deceased may desire; and on the other, to put upon the table every man who I believe can throw any additional light on this unfortunate transaction. The proposition which I have at these assizes for the first time heard, is indeed astounding, that it is the duty of the Counsel of the Crown to produce those witnesses only whose evidence goes to convict the prisoner, and to withhold others who, to his knowledge, had as good or even a better opportunity to witness the transaction, trusting to the chance of the prisoner being able to produce those whose evidence would tend to exculpate him from the offence with which he stands accused; nothing can, in my opinion, be more shocking." That statement was made at Clonmel two months before, and on the principle there laid down he had acted throughout the whole of the proceeding to which the attention of the House had been directed. Was it likely indeed, knowing, as he did, that his conduct would be watched and scrutinized, that it had been in fact arraigned, that he should depart from a rule he had laid down, and wantonly misconduct himself as the hon. and learned Gentleman had described. The hon. and learned Gentleman had accused him, but that he had behaved as the hon. Gentleman described, either at Clonmel or afterwards, he denied. When he knew that the hon. and learned Gentleman had his eye upon him with no friendly intention, was it likely that he should have pursued that base course which he had himself denounced. The hon. and learned Gentleman seemed by his gestures to dissent from his observations; if by that the hon. and learned

Gentleman meant that he had not imputed misconduct to him (Mr. Doherty) at Clonmel, he must take the liberty of reading part of a speech attributed to the hon. and learned Gentleman, and said to have been delivered by him at Carrick on Suir, on October 1st, 1829, and that would, he thought, show the House that his assertions were correct. "In Ireland," said the hon. Member, "Catholics had learned a double distrust—a distrust of closed investigation or open trial — they had seen on the jury Orangemen arrayed against them in judgment, and like the wretch who is drawn to the gaming-table, where loaded dice await to decide his doom, he had seen the Catholic stand before them in the inauspicious hope of obtaining justice. More than once he had stood out to defend the victim; more than once he had beheld him trampled on and stained with Orange pollution. What man would not view with suspicion the administration of justice who had witnessed the late trials in their county? He did not know what Mr. Solicitor General had said, but he knew what the Rev. Mr. Spain had said. He (Mr. O'Connell) had given up important business to come and prosecute on that trial, but he would not have been the persecutor as well as the prosecutor although a silk gown flowed not on his shoulders; but this would be a subject of parliamentary inquiry, and the Solicitor General would be called on to answer for it before the House. He knew the defence that would be made, but the nation would know the truth." Was it right that the hon. Gentleman, who had the power of dragging him to the bar of the House of Commons, should thus arraign his conduct before a population ever more inclined to act from impulse than reason, and who were unfortunately too apt to revenge either real or supposed injuries on those whom they imagined had done them wrong. He would then beg leave to quote part of a subsequent speech of the hon. and learned Gentleman. The trials on account of the Doneraile conspiracy terminated on October 26th, and though the hon. Gentleman abstained from making any remarks on the course of proceedings at them in this House, he was not so chary in Ireland. There, at a public meeting, he did make them a subject of discussion. At Youghall, in the county of Cork, on November 1st, four days after the trials were over, the learned Member is said to have made the following speech. "Mr. Chairman; I rise with your permission, Sir, and that of the distinguished company present, to propose a toast; it is, Sir, in connection with the Doneraile Conspiracy, for there was a conspiracy. A prominent actor in the scenes of the past week, I trust I shall not be deemed presumptuous in making a short reference to them. I watched them closely; the Commission exhibited extraordinary proceedings; it was my part to scrutinize them with a lynx-eyed closeness, and I did that which my duty imposed. Gentlemen; I shall not mix up the bench with the festivities of this evening. It would be unseemly to associate the name of Baron Pennefather in our proceedings as a toast, but we cannot be restrained from joining in a heartfelt tribute of admiration at the dignified impartiality of that learned Baron during the Commission. Justice was adhered to, and the law was administered alike to the prosecutors and the prosecuted by that enlightened judge. During the course of my examination of a respectable witness, when I questioned him what he had to allege against the character of Owen Daly, and if he had not promoted several game-prosecutions by false swearing: when, I say, I put this interrogatory to the witness, Mr. Justice Torress exhibited his ignorance of the law by refusing to permit the question to be pressed, but Baron Pennefather overruled the objection, and the question was put, and it proved of importance to the prisoners, for it exhibited that miscreant, Owen Daly, in his true light. Of Justice Torrens I shall say nothing; if I were satisfied of the propriety of a more general allusion to him here I could make it, but for the present I make him a present of my silence.

"To the conduct of the Solicitor General I shall barely allude now, but if I can procure an impartial hearing elsewhere,—and I must procure it,—I shall make his conduct, during the recent commission, the subject of a firm and solemn investigation. What becomes of the affected candour and often-expressed solicitude for public justice of the Solicitor General, when we contrast his conduct at Clonmel, on the trial of the Borrisokane cases with his recent conduct at Cork, during the trial of the conspiracy cases. In Clonmel he insisted upon the examination of Dr. Heisse on the part of the prisoners, in order that he might have an opportunity of cross-examining him, and in Cork, although the death-warrant scene in the tent at Rathclare, must have been briefed to him,—that scene where Patrick Daly swore the murder of the three magistrates was concocted, and the awful warrant signed on the 27th, yet omitted all reference to it when swearing his informations on the 29th of April,—I say, when the Solicitor General must have been aware of this, and withheld all knowledge of it from the prisoners and their counsel, what becomes of his parade of anxiety for public justice? Yes, the death-warrant, it was sworn by the informer, Daly,—was signed by four of the conspirators, at the fair of Knockaderry was the place appointed for carrying it partly into effect,—a few days and the lives of several persons were to be cut short by the ruthless hands of ruffian assassins; the informer is sworn when developing the conspiracy, and the form of oath is not,—'You shall true answers make to such questions,' &c. but, 'You shall tell the truth the whole truth, and nothing but the truth;' yet, Sir, the death-warrant is forgotten, and though the swearing of the informations takes place in less than forty-eight hours after the signatures have been affixed to the dreadful instrument of death, not a word is told—at least sworn to—in the informations. The Solicitor General knew all this: for when the Clerk of the Crown was reading the informations, the Crown prosecutor made such a marked correction to the officer, that it convinced me that the death-warrant scene was briefed to him. I hope to God that what I say will be borne on the wings of the mighty press; and that the truly independent portion of it will not fear what those in power may do, for if the Solicitor General shall attempt to muzzle that press, by filing criminal informations, I am ready and willing to meet him, hand to hand, on that ground. Gentlemen, the speech of the Solicitor General I had not the good fortune to hear,—but even as it is given in the 'Constitution', it was but the hallooing on of the country gentlemen against the wretched peasantry of the country." Was it proper—was it just, he would ask, thus to describe him? Was he who had passed his whole life among the people of Ireland—who had been brought up and lived in the country—was he, whose pursuits and avocations brought him into habits of daily intercourse with the population of Ireland, to be thus held forth as a person employed in "hallooing on the country gentlemen against the wretched peasantry?" The learned Gentleman must be well aware of the promptness of his countrymen to revenge imaginary insults, and finding them thus instigated, he (Mr. Doherty) should not be surprised if they took the law into their own hands, and executed what they would suppose to be summary justice on his person, who they were thus taught to believe was their deadly foe. On one of the trials at Cork, a juror refused to find any person guilty on the evidence of accomplices; and in consequence of his obstinacy, the Jury was discharged without giving any verdict. What, however, could the English Gentlemen in that House, who were in the habit of seeing judicial inquiries calmly and dispassionately conducted—what could they think of the hon. and learned Gentleman, in proposing as a toast, at this Youghall dinner, the health of "the Juror who dissented from his eleven obstinate colleagues?" The Juror might have dissented upon conscientious grounds, but was he on that account to be placed in direct contrast with his colleagues as an object of praise and adoration? If such a principle as this were to be adopted, there would be an end altogether to the pure and unbiassed administration of justice. The Juror might be wrong or he might be right, that he was conscientious there was no doubt, but to single him out for applause, was to pronounce a severe condemnation on the eleven who differed—conscientiously differed—from him. On the next trial, half the jury were Catholics, and he had been accused of doing wrong in challenging some of these Catholic Jurors, but he had never rejected any person as a Juror on the ground of his religion. So far as regarded the trials at Cork, he could prove this fact from unimpeachable testimony—the testimony of the Crown Solicitor—a gentleman of the highest honour and respectability—and who was at that moment within hearing of what he stated. His instructions to the Crown Solicitor were, to reject no person in consequence of his religion, while, at the same time, he told him his wish was, that one-half the Jury should be Protestants and the other half Catholics. Was it to be supposed that he, who had invariably proved himself the consistent advocate of the Catholic claims, could for a moment have acted in the manner represented by the hon. and learned Gentleman? In the year 1825, when the hon. and learned Gentleman was asked, before a committee on the Catholic Question, whether he thought, if that question were settled by concession, any reference would in future be had to the difference of religion between Protestant and Catholic; the hon. and learned Gentleman answered decidedly in the negative. Why then did he now act in direct contradiction to that opinion, and endeavour to perpetuate this invidious and odious distinction? He would next notice another part of the hon. and learned Member's speech, at Youghall. The learned Member went on to say:—"Gentlemen, the absence of the tent-scene was a negation,—you have it now,—the conspiracy is blown up—its ramifications are exposed, and its real authors stand exhibited to the world. The Jury sworn on the first day, without any hesitation convicted the prisoners. It was not considered too hazardous to permit the next case to be tried by a mixed Jury, and accordingly seven Protestants and five Catholics were empanelled. One of these twelve refused in *toto* to believe the informers. They all agreed to acquit Barrett—nine to three formed the majority of the Jury on another prisoner: one to eleven was exhibited as to the fate of the remaining two; you Edward Morrogh are that man you steadily held out in your opinion, that no confidence was to be reposed in those informers; the eleven were of a different opinion, and you have been the honoured instrument of Heaven in saving many lives. The third trial came on; two decent-looking men stood at the bar of the dock, arraigned for the dreadful crime of conspiracy. Out of 300 names that were called, we were only allowed forty challenges—and when I had arrived at my thirty-ninth challenge, there was not yet a single Protestant sworn. Immediately the name of Richard Deasy was called, he was challenged by the Crown—William Power, and he was challenged—and William O'Sullivan, and he was challenged; a Protestant appeared, and the jury was completed." The hon. and learned Member cheered; did he mean that a Catholic never was to be challenged—that a man living in a thatched hut, in a remote district, in which outrages had been perpetrated, was never to be challenged, because he was a Catholic [*Cheers.*] If the hon. Gent.'s cheer meant anything—it meant that whatever might be the disqualifications of a Catholic on such a trial, he was not to be challenged. Whatever the learned Gentleman might think, because three Catholics were consecutively rejected, he could not accede to his doctrine that no man was to be challenged who happened to be a Catholic. In justification of his own general conduct, he begged to be allowed to state what had passed between him and a gentleman who stood by his party so long as there was any necessity for distinguishing Protestants and Catholics by such appellations, but who had forgotten political animosities when all distinctions were merged in equal participation of common privileges. He alluded to Mr. Sheil. That learned gentleman, on the Borrisokane trials, had expressed his regret that the leading names on the Sheriff's panel were Protestants, and recommended that those names should be struck off until the Catholics at the bottom were placed first, in order to create an impression amongst the peasantry that they would be certain of having a fair measure of justice. To this he had replied, that the strictest impartiality should be exercised, and that no party should have cause to complain of an exclusive selection to the prejudice of any. But to go on with the hon. and learned Member's speech at Youghall. "With a jury, he said, composed of Protestants the case proceeded, the same story was told, and were proceeding when Baron Pennefather discovered the important discrepancy between the information of Patrick Daly before the magistrates, and his then examination before his Lordship,—the bubble burst, and the children's house was blown to the winds. After having deliberated for five minutes, the Protestant jury acquitted the prisoners, they disbelieved the informers, and the commission was at an end. Oh, Edward Morrogh, while trial by jury shall be respected throughout the world, your name will be revered, you will have your reward in the approval of every good man, the fathers, brothers, sisters, wives, children, at twenty, nay, fifty, will bless your name, and many an infant yet unborn will be taught to lisp the name of his father's, his grandfather's, preserver, Edward Morrogh." If the children were to be taught to bless the names of those who found every accused man innocent, and if juries were to be empanelled under an impression that they would be the objects of the people's curses, if ever they found men guilty of a conspiracy to murder—there must be an end to the administration of justice by juries in Ireland, and the hon. and learned Member might laud himself for teaching the people a doctrine that must end in the subversion of trial by jury. The hon. Member went on to say, in his famous speech at Youghall, "Twelve honest Protestants confirmed his verdict, and the whole fell to the ground. 'Tis true, Dr. Norcott's carriage was fired at, 'tis true, Mr. Lowe was fired at. But were not hired spies sent about the country to excite the deluded peasantry to bloodshed and rapine, and is not this a trumpet-tongued lesson to those whose restlessness at their country's quiet is too manifest—not to trust in spies. Yes, a conspiracy had existed, and the authors of it had nearly fallen victims to the treachery of their own instruments. I have no doubt but that the saving of the lives of so many human beings was done by the special interposition of that God who sees and knows the secrets of all hearts, and that you were made the honoured instrument in his hands. Gentlemen, I propose the health of Mr. Morrogh of Cork." He did not mean to throw any imputation on Mr. Morrogh, of whom he knew nothing, but he could not subscribe to the doctrine, that he was deserving of immortal honour, because he had steadily rejected the evidence of an informer. In that instance, Mr. Morrogh might have done well; but in a case of conspiracy, there was generally no other evidence to be obtained of the guilt of the parties than the testimony of accomplices, and there was the highest legal authority for receiving and acting on such testimony. The hon. and learned Member, indeed, objected to the evidence on other grounds; he averred that it was known to the Crown prosecutor, that the evidence was tainted with perjury, and, he contended, the prosecutions ought not to have been carried on. He believed, however, that there might be some difference of opinion between himself and the learned Gentleman, as to what was meant by perjury, for the learned Gentleman seemed to think, that to violate a white boy oath and give honest evidence to bring white boy criminals to justice, was perjury. [Mr. O'Connell intimated his dissent.] He did not make that assertion lightly, the hon. and learned Member had made a declaration on those trials which excited the astonishment of the bar, and, he believed, of the bench. In the cross-examination of a witness named Nowlan, by the hon. and learned gentleman, the following passage occurred. The witness said, in answer to a question put by Mr. O'Connell—"I took my oath that I would shoot Mr. Creagh, and undoubtedly I should have done so, only for hurting my leg. I went out to kill Mr. Lowe, and only that Mr. Nagle was with him I was ready to shoot him: I would shoot twenty, thirty, or forty, of them; would rather kill the police than the king's troops. I would shoot all the gentlemen in the county of Cork, and yet I am a conscientious fellow. Counsel questioned witness here about his having perjured himself. The counsel for the Crown denied that witness did so in breaking the white-boy oath. Mr. O'Connell said, that in the church to which he and the witness belonged, the breaking of a lawful oath, or the taking of a false one, was perjury." He ought, perhaps, to apologise to the House for having detained it so long, but he thought it was due to the learned judge who presided over those trials, as well as to himself, to explain the circumstances connected with them, which had been much misrepresented out of the House. He must protest, however, against the proceeding of the hon. member for Clare, as tending to bring under the review of that House the whole proceedings of the Criminal Courts of Ireland. He had also to complain personally of the hon. Member's proceedings towards him, in not having brought before that House the accusations with which he threatened him. He had hastened over from Ireland the first day of the Session, expecting to be called, as the hon. Member had said, before the bar of the House: he had waited a day or two, allowing something for the modesty of the profession to which the hon. Member belonged: he had waited a few days more, allowing something for the hon. Member's own modesty: he had waited yet a little longer on account of his peculiar modesty both as an Irishman and a lawyer; but, greatly to his surprise, the hon. Gentleman had made no accusation against him in that House. He had then left town for Ireland, but scarcely had he arrived when he was given to understand by his right hon. friend, that the hon. Member meant to present the Petition relative to the Borriso'kane case, and he was on the point of returning to London, when the hon. Member passed him on the road going to Ireland. After that, certainly he had taunted the hon. Gentleman to bring forward the case. He had provoked him to come to the contest. He had scratched him to bring him to the point; but he had found him not willing to repeat in that House, and bring to the test of deliberate examination, what he had so freely hurled against him in dinner speeches, and in speeches made at public meetings. In August last, he had been appointed to execute a most important duty by the Lord-lieutenant, and ever since that period he had been held up by the hon. and learned Gentleman to popular fury. He threatened too, to bring him before the bar of that House, and after having made all these threats in public, he said, that on deliberate inquiry, he had changed his opinion. As far as the hon. and learned gentleman could, he first punished and then inquired. It was even amusing, to notice the conduct of the hon. and learned Gentleman, when called on to bring forward his charges; he said, "Oh, you need not have taunted me in public, I would have told you in private what I meant to do." It was in public the hon. Member threatened and traduced, and it was in private that he wished to retract and deny. His declaration of war was made in the face of the country, and he asked to let that stand upon record, and be allowed to enjoy at the same time the advantage of peace with the reputation of a bold general, or merely telling his antagonist that he had no intention of hurting him. When the noble member for Northampton threw his shield over the hon. and learned Member, he could not be aware how frequently that hon. and learned Member had, out of the House, threatened to drag the Solicitor-general for Ireland to the bar of the House of Commons; but, if the House would bear with him for a few minutes, he could show that he had not in this case shown any of that pugnaciousness unnecessarily which belonged to the character of his country. The House would give him credit for the sincerity of his humble efforts in forwarding the great and healing measure of last Session, and would be aware that he had no personal hostility to Catholics. He had found himself, however, like many other Members, obliged to object to the hon. and learned Member's taking his seat in that House. When the question of his eligibility under the old law came before the House, on May 18th, he had expressed himself in terms of courtesy, if not of compliment, to the hon. and learned Member. He had then said, "I need not say to you, who have witnessed the talent exhibited this day by Mr. O'Connell at the Bar of your House, how justly it entitles him to a seat in it; nor shall I reiterate my own wishes upon that subject. I am sure Mr. O'Connell would himself be extremely sorry that any one observation should have fallen here, which would mar that general good-will which now happily begins to prevail in Ireland; I trust he will perceive that, in the decision of this House, there is not an individual who approaches the question with any thing like a personal feeling against him; and from the reception he has experienced, he must be convinced that there is not one amongst those who were upon former occasions strongly opposed to the Catholic claims, who has not received him with the utmost attention." Such was the language he had then sincerely held towards the learned Member; and if he had subsequently altered his tone, he had many and sufficient reasons for doing so. He remembered the glowing picture the hon. Member had drawn in 1825, of the peace and tranquillity which would be the result of emancipation, and he contrasted that with a speech, to which his attention had been officially directed by the government of Ireland, delivered by the hon. and learned Member, as it was said, on the Subletting Act. Some time ago his right hon. friend, the Secretary of State for Ireland, thought it right to institute a legal investigation into a speech which the hon. Gentleman was represented to have made at the Josephine dinner—he did not say had made—but which he was represented to have made, and which he believed was one of the most inflammatory libels that ever was uttered. He contrasted his predictions of tranquillity with his attempts to provoke disturbances, and found ample reason to doubt the good intentions of the hon. and learned Member. If he had not uttered such sentiments, no man was so calumniated as the hon. and learned Member by the press; if he had, he ought to avow them in his place in Parliament: if he had not, he ought to be grateful for the opportunity then afforded him to deny them. In the month of

November last, more than six months after the Catholic Relief Bill had received the royal assent, the hon. and learned Member was reported to have delivered, in giving the toast "Ireland as she ought to be," at a dinner, a charity dinner of the Josephine Orphan Society, what seemed to him an inflammatory libel. He said, "Oh, what a land is this! and yet how ruined by mismanagement, and by direct and infamous legislation! Nature never formed such a country as this, and man never showed the baseness of his nature so much as here. Seven centuries of bondage, worse than Egyptian, have rolled over our heads, and at the end they found us more numerous, more merry, and more determined to be free [*loud cheers*]. What misrule could not achieve, direct legislation shall never effect. There is the vile and infamous Subletting Act—that blackest stain upon our Statute-book—a law carried by a scoundrel aristocracy, for the purpose of more effectually exterminating the people [*hear, hear, hear*]. If this law be not repealed, the fable of the lion killed by the mouse will be soon realised in Ireland. And will this be the case? shall this be the fact? I say it shall not! and so help me God! if the exterminators do not remove that base Statute, I would almost recommend the people to save themselves, by becoming exterminators." What a debt of gratitude did the hon. and learned Member not owe to any person who gave him the opportunity to disclaim such sentiments. If he uttered that speech in Ireland, why did he not repeat it in the House; if he did not, why did he not at once openly disavow and deny it. He expected, in conformity with the custom recognised among gentlemen, that what a man said in one place he was ready to re-assert in another—that the hon. Gentleman would have taken the first opportunity in that House, either of denying those words and disclaiming them, or of repeating in that House, his objections to the "Scoundrel Aristocracy," the authors of the Subletting Act, and boldly calling on the people to stand forward in their own defence. But the hon. Gentleman reserved such language for the warm-hearted peasantry of Ireland. When a discussion had arisen on that very Act, the hon. Gentleman had deprecated any warm or angry language; and he remembered well how soft and supplicating, how piteously even he deplored any allusion to the bygone days of irritation. He wished that the hon. and learned Gentleman had been always of that opinion. He remembered, too, that, taunting him on that occasion with the difference between his language in that House and out of it, the hon. Gentleman was taken under the protection of the noble Lord, the member for Northamptonshire, and the hon. Baronet, the member for Westminster, who both deprecated reviving in that House the recollection of scenes of contention, which the Act of last Session was intended to bury in oblivion. When he found the hon. Gentleman so backward to carry his threats into execution; when he found him so forward to accuse in public, and withdraw from the accusation in private; when he felt that he himself had been calumniated and accused, he had taunted the hon. Gentleman, and had provoked him to the battle. The House must be aware, that the Act of Emancipation, of which he had ever been a zealous but humble advocate, had not put an end to all disputes in Ireland. He had never expected that it would; but at the same time he begged to say, that that measure had not disappointed in any degree those who had recommended it to the wisdom of Parliament, as likely to have a tendency to suppress party and religious feuds in that country. It was the opinion of Mr. Canning, that great man, of whom he might say—

> "Oft has his voice my captive fancy led,
> I loved him living, I adore him dead"—

that it would have the effect of separating the rational Catholics from their turbulent associates, and that it would satisfy the just hopes of the great mass of the people, while it would create discontent among those agitators, out of whose hands it would take the population. "I should rejoice," said that eloquent advocate of concession, "in disappointing the guilty hopes of those who delight not in tranquillity and concord, but in grievance and remonstrance, as screens for their own ambitious purposes, and who consider a state of turbulence and discontent as best suited to the ends they have in view." That effect the bill had produced. It had, by taking away the causes of agitation, falsified the guilty hopes of those who sought distinction amidst trouble, and whose turbulent ambition, which could be gratified only by the violence of party contentions, was disappointed by the general tranquillity and general satisfaction, which that healing

Act had effected. The hon. and learned Gentleman concluded by declaring that he was ready to give the hon. Gentleman the depositions of Patrick Daly, sworn to on April 29th, but that he should oppose the Motion for the Judge's notes.

Mr. *Jephson* said, when he came to the House he did not intend to make any observations on the subject of the debate; but being a resident in the county in which those trials took place, and having been present at them, he felt himself bound to come forward and declare, that he cordially concurred in the statements made by his hon. friend, the member for Clare. The hon. and learned Solicitor General for Ireland, had charged his hon. and learned friend with dexterity; but had he shewn no dexterity himself? In order to bring down a few dull cheers from the benches behind him, he had gone into a variety of topics—indulged in sneers and sarcasms—and followed his hon. and learned friend through every tavern and meeting in Ireland, in order, by quoting his speeches, to excite a feeling against him. But that was diverting the attention of the House from the real question. Was it not to draw away their attention that he flung out his sarcasms against his hon. friend, the member for Aberdeen, whom the hon. and learned Gentleman designated an unlearned Member? Would to God there were a few more such unlearned Members, and then the triumphs would not be always on the side of venality and corruption. The real charge made by the hon. and learned member for Clare was, that the hon. and learned Gentleman, the Solicitor General for Ireland, when he sought to convict these men, had evidence before him which made their criminality doubtful, and on which no jury would have found them guilty. How had he met that charge? First, by throwing it off himself on the learned Judge, and asserting that he also had the depositions under his hand on the first and second trials, though he only drew the attention of the Jury to them on the third trial; and, secondly, by underrating the evidence of Daly, and treating lightly the contradictions and discrepancies between it and his depositions. He was himself present when the learned Judge handed down the depositions, and from his look and manner it appeared, that they had come upon the Court, as they certainly did upon him and the counsel for the prisoners—completely by surprise. If that document had been produced to the first Jury, would the verdict have been Guilty? The hon. and learned Gentleman said, that the Judge knew of the existence of the depositions on the first and second trials, yet did not produce them until the third; but that did not appear to be the case on the trial. He could not contradict what the hon. and learned Gentleman asserted to be a fact; but his conviction, up to the present time, was, that Mr. Creagh set out in a post-chaise and four on the day before the third trial for the depositions, and returned with them shortly before Baron Pennefather handed them to his hon. and learned friend. The learned Solicitor General had tried to lessen the importance of the facts omitted in Daly's deposition; but they were of so much consequence, that two men were acquitted when the contradictions were ascertained, while others had been found guilty, on the supposed consistency of that witness. If the case were as stated by his hon. and learned friend, the hon. and learned Gentleman ought to meet the charge fairly and openly. He was the public prosecutor, and the question was:—was he justified in withholding evidence material to men on trial for their lives, as a barrister perhaps might be in conducting a civil case? In his opinion, the hon. and learned Gentleman had not answered the charge against him; on the contrary, he had made it appear worse than before, and worse than most people were inclined to believe he had acted. Prior to his defence it might have been supposed that he had not noticed the discrepancies between the depositions and the parole evidence: now he had acknowledged his acquaintance with them, and defended his improper course of conduct.

Lord *Althorp* said, that the real question was, whether there was any foundation for a charge against the Law-officers of the Crown in Ireland having neglected to put forward a document by which the evidence of the witnesses for the prosecution would have been submitted to a proper test, and the case of the accused parties been placed in its true light. When first the hon. and learned Gentleman had approached the subject of the charge, he confessed he thought it appeared to him that he had very indirectly approached it, and the result promised to be any thing but satisfactory in the way of exculpation of his conduct. The explanation, however, must be admitted to have given such a complexion to the case, that it was entirely out of his power to infer—that the conduct of the hon. and learned Gentleman (the Solicitor General for Ireland) was censurable. His opinion was, that the hon. and learned Gentleman's conduct was, under the circumstances, free from blame. It had been said by the hon. and learned Gentleman opposite, that if he (the noble Lord) had been aware of what had happened elsewhere, what had been the course pursued by the hon. member for Clare, in Ireland, and in other places outside of these walls, he (Lord Althorp) would not have taken the part which he had taken. He was, he confessed, aware of the proceedings of the hon. and learned Member, and the violent tone of the speeches he had made elsewhere—and he confessed he had heard of them with great regret; but he was not prepared to admit that, after they had witnessed the conduct and the temper displayed by that hon. and learned Member since his admission to a seat in that House, they should visit on him all that was objectionable in his speeches out of doors, or previously to his becoming an inmate of those walls. In his opinion, Members should not be assailed there for what they had done out of that House; and he believed that it would be most consistent with their duty and the public interests, to bury in oblivion whatever had occurred which might be considered exasperating. On the whole, he was of opinion the conduct of the hon. and learned Member attempted to be impeached was not deserving of censure; and he must, therefore, decline giving his support to the Motion [*hear*].

Mr. *North*, in answer to what had fallen from the hon. member for Mallow, maintained, that wherever calumny was uttered, whether at taverns, at public meetings, or elsewhere, there the calumniator ought to be sought after and exposed. The hon. and learned member for Clare professed to approach the subject with great moderation; his hon. and learned friend also wished to approach it with great moderation, and what they objected to in the hon. and learned member for Clare was, that he had one tone for Ireland, and another for that House; that he reserved all his violence for one side of the channel, and all his moderation for the other. His hon. and learned friend was charged with having taunted the hon. and learned member for Clare. Those taunts were occasioned by the indisposition of the hon. and learned member for Clare to bring forward his charges against his hon. and learned friend; and but for those taunts, he (Mr. North) sincerely believed that the hon. and learned member for Clare would not have brought forward his charges even on that night. So fully convinced, indeed, had he been that it was not the hon. and learned Gentleman's intention to bring forward his proposition at all, that it was not until the very last moment that he believed him to be serious. The hon. and learned Gentleman had tugged so long at his sword, that he (Mr. North) thought that it would never leave the scabbard; and now that he had at length drawn it, it had been parried by the strong and able arm of his learned friend, and the edge of it had descended on the hon. and learned Gentleman himself. It must be well known to every one that the situation of a public prosecutor was frequently one of great difficulty, and that while on the one hand he was called upon to listen to the suggestion of humanity, he was on the other hand bound to exhibit steadiness and firmness. Would the hon. and learned member for Clare, or would the hon. and unlearned member for Aberdeen venture to say that his hon. and learned friend had acted on conclusions not drawn from the exercise of his best judgment on the facts before him? That he had not only done so, but that his judgment was sound, had been since proved by the verdict of another Jury acting under the direction of the same Judge who had presided in the preceding cases. In the case in which his hon. and learned friend's conduct had been impugned, there had been no inconsistency, no discrepancy, no attempt at a falsification of the facts. Was the document on which so much had been said, withheld from the proper authorities? Were not the sworn informations in proper custody—in the custody of the Judge on the bench, whose duty it was, if he perceived any discrepancy between them and the evidence given in Court, to point it out to the Jury? Did the hon. and learned member for Clare so presume on the ignorance as to the law, of the Members of that House, as to forget that there were learned Gentlemen present who well knew that his hon. and learned friend had not the power to give the document in question in evidence? Was it possible that the assertion, that his hon. and learned friend could have so produced it, could be made by a lawyer—by the man too who, in the discharge of his duty to the accused, would have resisted its production? The hon. and learned Gentleman said, that his experience did not lead him to conclude that the Judges in Ireland were accustomed to read the depositions. Now he (Mr. North) had had some experience of the Judges of Ireland, too, and he knew that it was the practice of four of those Judges, and he had little doubt that it was the practice of all of them, to read the depositions. The hon. and learned member for Clare well knew, that when once the sworn informations were in the possession of the Judge, his hon. and learned friend had nothing more to do with them; and that it would have been most indecorous and improper on his part, had he pointed out to the Judge the facts contained in those informations, and the inferences which were deducible from them. His hon. and learned friend, after the most deliberate inquiry—an inquiry in which he had been assisted by men of great professional knowledge, of the highest talents, and of the soundest integrity—men who were far above the hon. and learned member for Clare's attacks—men who would never deign to stoop to any unworthy proceeding, professional or private—assisted by such men, his hon. and learned friend came to the conclusion, that the witness in question was a credible witness, and that he ought to be produced to the Jury. If the hon. and learned Gentleman, therefore, was determined to charge some public functionary in Ireland with improperly conducting these trials, the proper object of his charge was the learned judge, on whom the hon. and learned Gentleman had pronounced what he, no doubt, wished to be considered a glowing panegyric. He would not trespass upon the patience of the House by entering into any of the details of the subject. Little inclined as he should be to do so under any circumstances, he was not less inclined on the present occasion, because he was perfectly satisfied that the charge against his hon. and learned friend had never been intended for that House: it had never been intended for a tribunal which would determine upon it with coolness, judgment, and impartiality. It was intended for a far different tribunal. It was intended for the purpose of being used to excite and inflame the passions of that unfortunate people, whose miserable lot it had been, to be continually misled by some vain ambitious demagogue, who, for his own selfish purposes, fostered their discontents, and urged them into a course of conduct which, proceeding in turbulence, terminated in blood. That was the tribunal for which the charge against his hon. and learned friend was intended; and the different character of that House accounted for the reluctance which the hon. and learned member for Clare had exhibited to bring forward his charge there. The hon. and learned Gentleman felt that that was not his proper Court. He felt that he was not before the bar of that tribunal in which he had held a brief so long, and with such success. He had tried therefore day after day to postpone bringing it forward on one pretence or another. Sometimes he gave notice of a motion and then withdrew it; then he fixed it for a day on which he knew there would be no House. The only course, therefore, which had been left for his hon. and learned friend was, however reluctantly, to urge the hon. and learned Gentleman on by those taunts of which he had so loudly complained. Now, however, that the hon. and learned member for Clare had been compelled to bring forward his charge, he had done so in a manner very different from that in which he had brought it forward elsewhere. In Ireland he had been all fury and violence; in that House he was all submission and gentleness. In Ireland he had spoken with the Stentorian voice of a full-grown Irish giant; but in that House he had been like the little babe which he had himself described as lisping the praise of the juryman who persisted in a verdict of acquittal. In Ireland the hon. and learned Member uttered his accusations like the lofty monarch of the woods; in that House he "aggravated his voice so that he roared you as gently as any sucking dove." He could tell the hon. and learned Member that such a course of conduct could no longer be permitted. He must adopt one of two ways. He must either be in both countries the violent disturber and agitator—the same in his parliamentary office in Stephen Street, as in St. Stephen's chapel at Westminster, or he must be the moderate man in both countries. Although the hon. and learned Gentleman affected, in that House, to pour oil into those very wounds which he had taken so much pains to inflame in Ireland, his objects would be defeated. He would find, not only in that House, but throughout the Empire, and most of all he would find in that part of the Empire with which he was especially connected, such a powerful body of resistance to the double course of proceeding which he was pursuing, that he would be utterly unable to oppose it. Such a spirit of manly and generous feeling had sprung up in Ireland, in spite of the hon. and learned Gentleman's exertions to suppress it, so happy had been the result of the wise and liberal measures adopted by Parliament towards that country in the last Session, that the people of Ireland would take care not to put it again in the power of any man to heat their imaginations to the temperature of a furnace, merely that certain political salamanders might find an element suited to their constitutions. Whether the subject under discussion was considered in a political or a legal point of view, his hon. and learned friend had given a triumphant, a satisfactory, and a conclusive answer to the hon. and learned member for Clare; and he (Mr. North) felt that he should be doing his hon. and learned friend a great injustice if he detained the House by any further commentary upon the question.

Mr. *Hume* said, he had never listened to any statement made with more temper and moderation than that of his hon. and learned friend, the member for Clare; a temper and moderation strongly contrasted by the pomposity, and he might almost say insolence of manner, of the hon. and learned Gentleman who had just spoken. He regretted to observe the cheers with which the hon. and learned Gentleman's remarks had been received by those Members who sat in his neighbourhood; for he had hoped that Ministers would have had the good sense to soothe rather than to increase any exasperation arising out of the occurrence in question. Was there a word, he would ask, which fell from his hon. and learned friend, which called for the remarks of the hon. and learned Gentleman? They might talk of his hon. and learned friend's tone and manner being sometimes like those of a lion, and sometimes like those of a puny dog; but he would not advise his hon. and learned friend to take his tone and manner from either of the hon. and learned Gentlemen. The hon. and learned Gentleman who had just sat down, and who arrogated to himself so much importance and self-sufficiency, swelled like a bull-frog, until he was in great danger of bursting. The time would come for his hon. and learned friend to answer the hon. and learned Gentleman; and he (Mr. Hume) for one would halloo him on when that time should arrive. The conduct which had been pursued towards his hon. and learned friend was most unworthy. No defence, no arguments had been advanced; but as in other cases which he had been long enough a Member of that House to witness, the attention of the House was called off to topics unconnected with the subject before them. Was it consistent with the duty of any hon. Member to make that House the arena for discussing squabbles at the Crown and Anchor or elsewhere? He denied that such had ever been the practice in that House. The question for the House to consider was, whether the hon. and learned Gentleman had conducted himself in a manner which deserved their approbation and support. Being in possession of evidence to show that a witness was unworthy of belief, did he seek, upon the testimony of that witness, the lives of any of his Majesty's subjects, without the communication of the evidence he possessed? That was the charge. Why should his hon. and learned friend be so calumniated when he had put the question so fairly? All that he had said was, that if the course which had been pursued by the hon. Gentleman were justified by law, the Legislature ought to take means of preventing such a course from being pursued in future. If Judge Pennefather had the document in his possession, and concealed it during the first two trials, a charge ought to be preferred against him; but it appeared that it was not until after the first two trials that the existence of such a deposition was suspected; and that Mr. Creagh was sent for it in a chaise and four. When it arrived, Judge Pennefather handed it down to his hon. and learned friend, who, of course, immediately saw the just purpose to which it was applicable. He really was at a loss to account for the conduct of the hon. and learned Gentleman, even with all the latitude which learned Gentlemen took in their conduct. He had been told that he was not a learned Gentleman. He thanked God that he was not; for sure he was, that if he had had in his power a deposition which would have cleared an individual accused of a capital charge, he must have laid it before the Court, in spite of all the etiquette to which learned Gentlemen thought it to be their duty to conform. Had that been done in this case? Would the hon. and learned Gentleman on the opposite bench get up and say that it had? But his hon. and learned friend, the member for Clare, had had the audacity, it appeared, to speak of these transactions out of doors in such language as his feelings dictated, and had not repeated his observations in that House. "Is it to be supposed" continued the hon. Member, "that because I am a Member of Parliament, and choose to go to the Crown and Anchor Tavern, and make observations there upon the Chancellor of the Exchequer, or it may be upon his Majesty's Attorney General, is it to be supposed, I say, that I am to be compelled to repeat the same observations here? I say, that if I make use of observations out of doors which give offence to hon. Members out of doors, let them call me to account for them. I admit that I say many things in this House which I should be afraid to say out of this House, knowing that there is such a being in existence as an Attorney General, and that it is possible for him to find pliant juries. I may be taunted with cowardice, as I have been already, for this declaration. But my doctrine is, that in these cases discretion is the better part of valour; and how foolish should I look, if I were to find myself laid by the heels in Newgate, owing to the interposition of an Attorney General." He then proceeded to observe, that the hon. and learned Gentleman opposite had not shown either that good sense for which he had given him credit, or that disposition to let all things go on smoothly in Ireland on which he prided himself so highly, in reading such voluminous extracts from speeches made at convivial boards, when a man was inclined, from the excitement of the scene, to speak more freely than prudence warranted, or than he might otherwise be prompted to do. He would however confess, that in all the extracts which the hon. and learned Gentleman had read, there was not one word which he should not have been proud to utter, with the exception of the last extract, which related to the Subletting Act. He was surprised that the hon. and learned Gentleman should have read that extract after the explicit manner in which the hon. member for Clare had disavowed it. Such a circumstance was a proof how strongly the hon. and learned Gentleman felt the justice of the observations of his hon. and learned friend. He thought that it was the bounden duty of every honest man, who supposed that a public officer had misconducted himself, to state that opinion publicly, whenever occasion called for such an expression of opinion. He contended that the way in which his hon. and learned friend had been treated by the Gentlemen opposite, for daring to express his opinions, was most illiberal. They had accused his hon. and learned friend of shrinking from his charges, as if he was afraid of their vituperation. Why, his hon. and learned friend had no occasion to be afraid of those two hon. and learned Gentleman, no, nor of ten like them. Supported by the cheers of the Treasury bench they had exceeded the discretion which they would have felt bound to exercise elsewhere. But what had really been the conduct and language of his hon. and learned friend, the member for Clare? He had stated, in his place in Parliament, that when he first became acquainted with the facts which had that night been the subject of discussion, he was led by the impression of the moment to declare his determination to bring the whole conduct of the leading counsel for the prosecution before the House of Commons; but that in the time which had intervened between his making that declaration and the meeting of Parliament, he had had some reason to doubt the accuracy of the facts which had led to the formation of his original impression. He therefore said, in the hearing of the House, that he had sent to Ireland for further information—that if that information were defective, he would disavow the opinion which he had formerly expressed; but if that information should support the opinion which he originally entertained, he would bring the matter forward in the House, openly and manfully. After such a declaration, what right had the noble and learned Gentleman opposite to taunt his hon. and learned friend with shrinking from his pledges? He wished that he could view the answer of the hon. and learned Gentleman in the same light that his noble friend below him viewed it, but he thought that the hon. and learned Gentleman had mistakenly prevented facts from being brought under the notice of the Court, which, when brought before it, were found to be of the utmost importance. And why were they of such importance? Because when brought forward they threw such discredit on the principal witness as produced the acquittal of the prisoner then standing on his trial at the bar. His hon. and learned friend had not criminated the Solicitor General for Ireland, unless the facts of this case should turn out as he had stated them. He hoped that the production of the information, for which his hon. and learned friend now moved, would free the hon. and learned Gentleman opposite even from the suspicion of misconduct, and with that view he should certainly support the present Motion. He had hitherto always entertained a favourable opinion of the hon. and learned Gentleman: at present that opinion was weakened; he should be glad to restore the hon. and learned Gentleman to that favourable opinion again, but he must withold it until he gained this information.

Mr. *Doherty* explained, that it was a mistake to suppose that the depositions were not in the hands of the Judge on the trial, and had been brought by Mr. Creagh. They were returned to the Crown-office three months before the trial. Baron Pennefather had asked him if the discrepancy had attracted his notice, and it had, but he thought the omission strengthened rather than weakened the testimony of Daly, and therefore, if he had noticed the circumstance, it could not have been in any manner favourable to the prisoner.

The *Attorney General* said, as he had read neither of the speeches in question, nor the trial that gave rise to them, he might be considered in the light of an impartial person, and he must, in that character, say, that the charge so calmly and moderately brought forward by the hon. and learned member for Clare, appeared to have been founded on a mistake, and that, therefore, his hon. and learned friend, the Solicitor General for Ireland, had no occasion to enter at length into his own vindication. The hon. and learned member for Clare had been influenced,—naturally influenced,—to a certain degree, by the fact of having been counsel for the prisoner; but, notwithstanding the calmness of manner with which he brought his charge, it was impossible not to understand it; and, after all that had taken place, he was not surprised that his hon. and learned friend should be, to a certain degree, anxious to enter into a full explanation of his conduct, although such an explanation was not, in his judgment, necessary—the charge, as he said before, of the hon. member for Clare being founded in a mistake. The accusation was, that his learned friend, as a public prosecutor, was in the possession of a document that did not contain certain specific facts, which the witness, upon whose information it was drawn up, afterwards stated when he was examined before a jury; that his hon. and learned friend's brief must have been prepared from the examination of that witness; and that, therefore, he must have been aware, before he came into court, that there was a variance between the deposition and his evidence. Now, if that were a sufficient ground for withdrawing a prosecution, one half of the criminal cases brought into court would never be decided. There was nothing more common, than that the depositions taken before a magistrate should not contain a tenth part of those full and minute particulars which were extracted by an attorney when he came to institute a regular examination. The very case before the House was an illustration of the manner in which that might take place without any one being necessarily to blame. Assuming the facts, as stated by his hon. and learned friend, to be correct, it appeared, that when before the magistrate, the witness said that an order had been given for the assassination of certain persons, but he omitted to state that it was in writing, although that declaration or deposition was made within two days after the time when it was supposed to have been given. Such an omission could not surprise a professional man; for he knew that a witness might be ignorant that its having been in writing was a material part of the transaction, and if a witness were not asked the question, he might very naturally omit to state the fact, but it would not be correct to infer from that the unworthiness of the witness, because, upon a closer after-examination, he states it; and certainly no idea could be more visionary, than to suppose that it is necessary to withdraw a prosecution, because some even material facts were omitted in the depositions. It appeared that two trials took place, in neither of which the Judge though it expedient to offer the depositions before him to the consideration of counsel, but that he did so on the third trial; and his hon. and learned friend stated, that there were many circumstances in that last case which would have afforded grounds for a decision independent of Patrick Daly's testimony; was it possible that the same Judge who tried these three causes, having the same depositions before him the whole time, would have acted in so different a manner unless there had been grounds for so doing. How then could his hon. friend be accused of any want of humanity or professional propriety in not withdrawing the prosecution, when he saw that, upon the same evidence which the hon. member for Clare supposes ought to be rejected, a conviction had taken place? In fact, he could not conceive a case more perfectly divested of all foundation of a criminal charge against the counsel for the Crown than this. Nothing but the most positive proof could establish the fact, that any man could be so wanting in humanity as to be willing to take the life of another in the manner his hon. and learned friend was accused of doing. Such an imputation, however, if spread about in taverns, and thrown out before persons of incompetent judgment, would be likely to injure his hon. and learned friend in their estimation; although, when examined in that House, it was taken for what it was worth, and passed for nothing. He had no doubt that the hon. and learned member for Clare, when not excited by some of those concomitant circumstances which the hon. member for Aberdeen seemed to think sometimes took place in taverns, must have felt that he could not sustain the charge he had made, which accounted for his reluctance to bring it forward. At the same time he did not blame his hon. and learned friend for wishing to bring assertions made in Ireland to the test in that House, and to compel the retraction or proof of the accusation in the face of the country. The question had been brought to the test here, and every man of sense and honour must think, that his hon. and learned friend, the Solicitor General for Ireland, was free from all blame. With respect to the Motion before the House, the hon. and learned Member said, that he could not fix his charge without the papers he had moved for; but surely he must be aware that his application was of a perfectly novel nature. Did he mean to bring in a bill, enacting that all depositions, taken against any person whatever, might at all times be called for by the prisoner, and should be given to him. When a person was brought up on a charge, that charge ought to be made against him in his presence; and if there were any practice in Ireland which prevented a man from seeing his accuser, face to face, before going to prison, it was a bad practice, and ought to be put an end to; but if the hon. and learned Gentleman did not mean to bring in a bill to compel magistrates to give prisoners the depositions taken before them, still less was he entitled to call upon the prosecuting counsel to do so. He was not partial to informers, and admitted that the evidence of persons willing to betray their accomplices should be looked upon with suspicion; but nothing could be more dangerous than to give to a prisoner all the information that might be derived from them. In that case, a man who had been engaged in a scheme, which had bloodshed and murder for its object, would have to do nothing but to get his companions to swear to circumstances that would completely overturn the evidence which might be brought against him; for there could be no doubt, that he who would engage in a conspiracy to commit murder, would not hesitate at committing perjury. He saw no reasons for changing the law, but as his hon. and learned friend (Mr. Doherty) had consented to the hon. and learned Member having the deposition he had called for, he should not oppose the Motion. At the same time the hon. and learned member for Clare was not at liberty to call upon the government of Ireland to give all the depositions made by this man. That would be too large a motion, to accede to it would lead to great inconvenience, and he must resist a demand for anything beyond the particular deposition of the 29th April. With respect to the other part of the Motion, for the production of the Judge's notes, he did not see how they could contribute to the object the hon. Member had in view, and certainly to produce them would be quite unprecedented. The hon. and learned Member said, that they were of the nature of a public document. With that doctrine he did not agree; they were merely taken to refresh the Judge's memory. Some Judges took very long notes, others very short; the latter course was, he believed, the best; certainly it was the most expeditious, but it would be impossible to use such notes as the foundation of any ulterior proceedings. They were not evidence in a court of law, nor could they be exhibited at the Bar of the House of Peers, in case the hon. and learned member for Clare should prevail on the House to bring an impeachment against his hon. and learned friend, the Solicitor General for Ireland. Why, then, should the House agree to a motion, which was in its nature unprecedented, and which, if granted, would not answer the object of the hon. and learned Mover? He did not mean to say, that because it never had been done, it should not now be done; but that fact was a strong argument against beginning such a practice, except a case were made out strong enough to shew that it would be impossible to do without them, or that the production of them would be very beneficial. Certainly the present was not such a case, and it would be treating the learned Judge with disrespect, to commit his meagre notes to print, taken, as they were without his knowing that it was even possible that they should ever be asked for that purpose. Although that was a more narrow ground, perhaps, than many others which he mentioned, he held himself justified, upon it alone, in refusing his assent to that part of the hon. and learned Member's Motion. He did not say, that if an inquiry were instituted, in which a learned Judge should be summoned to the Bar, the production of his notes also might not be called for; but till that time arrived, he should never give his consent to any motion of that nature.

Mr. *D. W. Harvey* said, he could not avoid expressing his surprise at the strange construction the hon. and learned Member opposite had put upon this Motion. He had throughout his speech regarded it as an attack upon himself; but he did not look upon it in that light, nor had it been brought forward upon such grounds by the hon. and learned member for Clare. Certainly it should not have his support if it were a mere personal attack upon the hon. and learned Gentleman. That hon. and learned Gentleman had exhibited a laudable anxiety to free himself from the charges which might attach to him, in reference to this affair, but had not exactly adopted the course best calculated to establish his innocence; for he granted to the hon. and learned member for Clare a document, already before the public, while he refused those papers which could alone maintain the charge, if it were well founded, namely, the Judge's notes at the trials in question. He understood the hon. and learned Gentleman opposite, the (Attorney General) to admit, that there might arise cases in which the production of the Judge's notes would be essential for the ends of justice, and in his opinion this was a case. The production of those notes was necessary for the purposes of public justice, and for the vindication of the learned Judge who presided at the trials. The hon. and learned Solicitor General for Ireland appeared extremely desirous to avoid the consideration of the actual question before the House; and he had exhibited no slight degree of professional tact in diverting attention from that question, to imputations cast upon his conduct elsewhere, by the hon. and learned member for Clare. With a dexterity too for which he deserved some credit, he had contrived to shift the responsibility from his own shoulders, and he had divided the charge between himself and the learned Judge who presided at those trials. Under those circumstances, considering the position assumed by the hon. and learned Gentleman, the House was imperatively called upon to vindicate the judgment-seat, and to afford an opportunity to the learned Judge to shew that, during the first and second trials, he was not in possession of that deposition, which, when produced at the third trial, at once procured the acquittal of the accused. He entered upon the discussion of this subject without any pretension to the learning possessed by some of the hon. Members who had preceded him; and if he thought that such professional learning were necessary in discussing this question, he would certainly have refrained from addressing the House immediately after the hon. and learned Gentleman who had just sat down—and who would be, undoubtedly, a very great authority, if the question before the House were a mere question of law. But it was no such thing. The House was not appealed to as a collection of lawyers to determine some abstruse legal question, but to determine a certain fact,—namely, as to whether the lives of persons in Ireland had not been put in jeopardy, by the counsel for the Crown, who prosecuted them, suffering testimony to be received in open court against them, which was in direct hostility to the evidence given by the same witness before a magistrate in the first instance, and which evidence had been taken in the shape of a deposition. He was aware that the depositions taken before magistrates were frequently extremely meagre; that they were frequently such as would not warrant the conviction of a prisoner; and that, upon further examination, things were brought to light which led to the conviction of the accused. He could well imagine cases where the evidence given in Court, although not throughout inconsistent with that contained in the original deposition made before the magistrate, might yet be fuller, clearer, and more comprehensive. It might have happened in this case. Indeed he presumed that it did, for he did not want to impute wrong motives to any one. It might have happened in this instance, that the evidence given by the witness in open Court, when compared with the original deposition contained in the brief of the learned Solicitor General, was not at all contradictory to the statement in that deposition, but served to render it more clear, and to bring the charge more home to the prisoners. But the whole question turned on the point, whether or not the original deposition was in direct hostility to the testimony given in Court by this witness. Now, where could those facts be found, but in the notes of the learned Judge who tried the case? But the hon. and learned Attorney General said, that the more meagre the notes taken by learned Judges, the better for the ends of justice; that he might doubt; but he believed that it would be unquestionably more for their own convenience. He did not at all doubt that if a learned Judge were to take no notes of the proceedings of a trial taking place before him, he would be saved much trouble and inconvenience. Should his brother Judges afterwards call for his notes of the trial, he might then say,—"It is true this prisoner was called up before me and tried, but to save myself trouble I took no notes, and I have no recollection of the evidence given, unless what I might now collect from the fleeting impressions made upon my mind; for, though the man was convicted, and may be executed, it is better that he should be hanged, than that I should be put to the inconvenience of taking notes of his trial." Whenever the hon. and learned Gentleman himself should be elevated to the bench, he would not follow such a course of conduct as that; but his notes would be as ample as he was sure they would be accurate. He could not avoid noticing the singular character of the discussion that evening. The House had sat to hear charges made and refuted, and the impartiality of the Members had been evinced by the loud and indecent cheers which had followed every statement of the defendant, while but a solitary "Hear, hear," had now and then proceeded from that side of the House, during the speech of the prosecutor. What would be thought of such a proceeding in the jury-box? What would be thought of a jury, ten of whom, like the Ministerial Members opposite, should loudly cheer the defendant in the progress of his address, while the other two should, from time to time, encourage the prosecutor by a solitary cheer? The House was sitting that evening in its judicial capacity, and he hoped that there was no person present who would carry such very satisfactory information to the public. In justice to themselves—in justice to the country—and in justice to the people of Ireland, the House was bound to call for the production of the evidence given in the open Court, in order that it might be enabled to compare it with the original deposition of the witness before the magistrate. The hon. and learned Gentleman (Mr. Doherty) said, that the evidence of the witness was correct—that his original deposition differed only as to points of little importance; and he contended, therefore, that it was not the production of that deposition on the third trial which procured the acquittal of the prisoners. The proof of that fact was only to be found in the Judge's notes; the statement resting at present only on the assertion of the hon. and learned Gentleman. According to that, it appeared, that upon the evidence of the informer, the first prisoner was convicted;—that the second would have been convicted but for the obstinacy of one of the jury,—and that up to the third trial, this deposition (which was no sooner produced, be it observed, than the prisoners were acquitted) was, with the rest of the informations, all the while in the hands of the learned Judge. If that were the case, so much the worse for the learned Judge. Under such circumstances, however, the House should call for his notes, to see whether or not such were the case, and to ascertain, whether or not there were such a discrepancy between the evidence of the witness in Court and his original deposition, that if the deposition had been produced upon the first trial the acquittal of the prisoners must have followed as a matter of course. The learned Gentleman said, that this deposition was during the three trials, all the while in Court; and of course he must suppose that a copy of it was drawn out in the brief of that learned Gentleman—if, indeed, he could safely suppose anything as to the manner in which justice was administered in Ireland. He must suppose, however, that from the clear and satisfactory testimony given by this witness in Court, the learned Gentleman did not find it necessary to resort to the deposition in his brief; or, if he did, that he found no material variation in it from the evidence so given. The hon. and learned Gentleman was the Crown prosecutor on the occasion, and filling such a situation, he ought to have been influenced by an anxious desire to establish the innocence of the accused; if he found, therefore, that the evidence of the principal witness was at direct variance and hostility with his original deposition, as briefed to the hon. and learned Gentleman, he should at once have thrown up his brief. If the learned Gentleman, seeing the nature of the evidence of the witnesses in Court, felt it necessary to recur to the original deposition, and found in it nothing contradictory to that evidence in the original deposition, there were no grounds for the charge against him. He could easily suppose that the statements in the original deposition, might not be as full, and as complete as the *vivâ voce* testimony of the witnesses, but there should be nothing contradictory between them. Whether there were or not in the case before the House, was the whole question at issue. It was a mere question as to a simple fact—and all the buffoonery about salamanders—and all the fanciful digressions in the worst style of Irish eloquence, which had been exhibited by the hon. and learned Member opposite, had nothing whatever to do with the question. The fact to be ascertained was, whether the testimony given by the witness in Court, and his deposition before the magistrate in the first instance—differed so materially, and were so contradictory to one another, as to call for the immediate acquittal of the prisoners, who were tried for their lives on such evidence. He was anxious, therefore, that the Judge's notes should be produced, for the House was bound to vindicate a Judge of high station and character, from the charge of allowing the party prosecuting under such circumstances, to proceed in such a bloody course upon such bloody testimony. That was the real question before the House—and after what had taken place that evening, it was most important that the House should vindicate the criminal justice of the country, by instituting an inquiry, and by calling for the Judge's notes. Upon these grounds he did not think that the hon. and learned Gentleman opposite was exactly pursuing that course which his sense of innocence ought to suggest to him, for its results would be to exclude and keep out of sight the only authentic account which could be procured of the real facts of the case.—For the reasons which he had stated he should support the Motion of the hon. and learned member for Clare.

Mr. *D. Callaghan* said, that having acted as one of the jurors, on the second of the trials which had been referred to, he felt bound to bear his testimony to the propriety of the course which had been followed on that occasion by the hon. and learned Solicitor General for Ireland. The jury, of which he formed one, could not agree, they did not differ as to the guilt of the prisoners, but merely as to the degree of credit due to some of the witnesses, and the gentleman who held out (Mr. Morrogh) acted, as he was well aware, from the purest and most conscientious motives. He conceived that it was absolutely necessary to institute those prosecutions at the time, and in the conducting of them the learned Gentleman did not travel out of the line of his public duty, but on the contrary, pursued a perfectly correct and humane course, and one which did not in any respect justify the charges which had been made against him.

The *Solicitor General* assured the House that he should occupy its time but for a few moments with the observations which it occurred to him to make upon this Motion. In the first place he should enter his decided protest against it, being of so general and indefinite a nature, that it aimed at every thing and might be applied to any body. The hon. and learned member for Clare had eulogised the learned Judge who tried the cause, as being above suspicion for his conduct; but soon after got up the hon. member for Colchester, his supporter, who impugned the Judge, and would have the whole weight of the imputation rest in that quarter. This indecisive and too general character was a great objection to this Motion, as it might be applied to any person. He was one of those who thought that the conduct of Judges, Juries, and others connected with the administration of justice ought not to be brought before the House, for it was likely to lead to the very worst consequences. The way in which the conduct of the English Equity Judges had been arraigned here was highly reprehensible. The taunts about the relative slowness or despatch of the Equity and Common Law Judges were likely to lead to a competition for quickness—a race for popularity which might end in the compromise of the suitors' interests. It had not done so, indeed, but it was calculated to do so. If this Motion were at all sanctioned by the House, he should say that there never was a criminal case in Ireland which might not be re-tried here. The circumstances, too, under which it was brought forward, were unfair. The counsel in the cause himself, with all the excitement of his client, was not the fittest person to bring such a question to a grave and deliberate discussion. He made no imputation against the hon. and learned Gentleman's motives, which, he was sure, were very good, but was he the person to arraign the criminal justice of the country? Much had been said of compassion for the prisoners upon trial, but something ought to be felt for public justice. If a public officer did his duty conscientiously, he ought not to be arraigned, and if he were, it would be enough to intimidate public prosecutors, who filled at all times an ungracious office, from discharging their duty with firmness and impartiality. He never heard a charge so entirely without foundation. It was now clear that the Judge had the depositions before him at all the three trials, so that he was the party to blame, after all (according to the statement of the hon. and learned Gentleman opposite), for not using them. But he had an excuse for that learned person, who, possibly, did not see any occasion to consult them, and who did not think it a matter of course, that because a witness added in his testimony before the Court to what he had sworn in the depositions before a magistrate, he was therefore necessarily perjured, for depositions were always imperfect and meagre. He had heard the vindication of his hon. and learned friend, but he did not think he wanted such a vindication. He was not, however, sorry to have heard it, for when a high public officer was exposed to imputations of a serious nature, he could not lie quietly under them. He objected to the Motion altogether, because if it were agreed to, it would be trying the case over again; and until some stronger arguments should be brought forward in favour of such an extraordinary step, he should consider himself bound to oppose the production of the papers.

Lord *F. L. Gower* said, that he came down to the House totally ignorant of the course the debate would take; but under all the circumstances of the case, and with his feelings and knowledge of the subject, a necessity was imposed on him to resist the Motion of the hon. and learned member for Clare, and particularly that part of it which related to the production of the Judge's notes. As good and satisfactory reasons, in a legal point of view, had been adduced to the House against the productions of them, by the hon. and learned Gentleman on the Treasury bench, it would be presumption in him to engage in a discussion on that part of the subject. It was his lot to enter upon the question entirely unendowed with that learning which the hon. member for Colchester disclaimed,—but which it was impossible for that hon. Gentleman, either upon this, or any other occasion, entirely to divest himself of. It had been his duty, however, to look into all the facts of this case; and his hon. and learned friend knew that he had most laboriously endeavoured to investigate them. When he found the case was put forward,—either upon the ground mentioned by the hon. member for Colchester, or on the fact of the deposition of the 29th of April, so often alluded to in the course of these transactions having been kept back; and when he found that it was assumed that the production of that deposition in Court would necessarily have proved the witness, whose evidence was in question, to be perjured; he could not hesitate at once to oppose the Motion, the assumptions being totally void of foundation. There was no discrepancy of importance, between the evidence brought forward on the trial, and the deposition so often mentioned. The evidence contained within itself the facts alleged in the deposition; it shewed that there was a conspiracy to assassinate;—the simple difference was, that the oral evidence given in Court affirmed that the conspiracy was arranged and committed to writing in a tent at the fair of Rathclare. On that ground he should oppose the Motion. With reference to the charges made against his hon. and learned friend, the refutation was he thought quite triumphant and complete. Whatever unpopularity might attend the course he was pursuing, he would steadily persevere in that declaration. He might be told that by refusing the Judge's notes he was shrinking from this question, but from no part of this discussion would he shrink; he would defend the conduct of the government of Ireland, involved in the question, nor would he take any course that could for one moment admit the existence of a supposition, that he did not consider the refutation of his hon. and learned friend, both most satisfactory and complete. He was convinced that it was not necessary that any further inquiry should take place, with a view, through the production of the papers moved for by the hon. and learned member for Clare, "to promote the pure administration of justice in Ireland." Justice was already administered in that country with purity, and he rejoiced that the debate had taken place, because it had afforded his hon. and learned friend an opportunity of vindicating himself against the slanders that had been cast upon him. He appealed to the House and the country, whether he had not fully availed himself of that opportunity—and displayed great talent and feeling in meeting the charges made against him; and whether the House could in justice say, that his refutation was unsatisfactory or incomplete. The hon. member for Aberdeen indeed had taken occasion to read a lecture to his hon. and learned friend, as to the course he ought to have pursued on the occasion. There was no Member more willing than he was to admit the talents of the hon. Gentleman, however unpleasant and inconvenient he often felt the course which that hon. Member took on many subjects; no one was more disposed than he was to do justice to the abilities of that hon. Member, but he must be allowed to say that he could not defer to his opinions, with reference to the particular line of conduct to be pursued by his hon. and learned friend, as to the legal points of this discussion. He was not so much inclined on matters of taste, judgment, feeling, or law, to bow to his authority, as upon matters of arithmetic. If he were to put the judgment of the hon. Member to the test upon that occasion, he would ask the House whether much deference was due to that judgment on such matters, after he had expressed his entire approbation of the speeches which had been more than once alluded to with becoming severity by his hon. and learned friend, the Solicitor General for Ireland, and which were uttered on the other side of the water by the hon. and learned member for Clare? Sir, the hon. member for Aberdeen had taken upon himself to share whatever approbation or disapprobation might be attached to the language of the hon. and learned Gentleman, and he was far from envying him the burthen he would have to bear. He would find very few Gentlemen in that House, or in the country, who entertained the same opinions as himself of the sentiments contained in these speeches, or of the language in which they were clothed. The noble Lord concluded by saying that he should certainly oppose the Motion of the hon. member for Clare.

Mr. *O'Connell*—Sir, I avail myself of my right to reply, and I am able to subvert the sophistry by which the learned Gentleman is sought to be protected. Let me set myself right as to some of the assertions that have been made. In the first place the hon. and learned Gentleman has stated my definition of perjury. My opinion is, and I so stated it on the trial, that the breaking of a lawful oath, or the taking of an unlawful oath, is perjury. I was talking to the witness of the nature of perjury; and I then said, that if he had broken a lawful oath, or taken an unlawful oath, he was equally guilty of perjury. Secondly, the hon. and learned Gentleman, by going through a speech of great length, and which was rendered sufficiently ludicrous, notwithstanding its unwieldy length, by the tragic tone in which it was delivered, has arrived at the Sub-letting Act. The Sub-letting Act in this discussion! I cannot conceive how the Sub-letting Act can form a part of the Solicitor General's defence of his conduct; but he has the happy talent of introducing matters quite irrelevant. Why, Sir, he might as well have introduced any other event that has taken place since the flood—nay even the universal deluge itself. But that learned Gentleman has been singularly unfortunate, for he has introduced the only speech of all those attributed to me which was so inaccurately reported that I cannot avow it. I avow all the rest. I admit every word he has read. I now re-assert again every word; and but that he shrinks from the proofs—but that he withholds the proofs—I would prove to his condemnation the perfect accuracy of every accusation I ever made against him in this House, or out of this House. It is true that I spoke of the Sub-letting Act. It is quite true that I condemned that law in the strongest, the harshest terms; but the concluding part of the report is quite inaccurate. I never said what is attributed there to me. Nay, so inaccurate is that passage, that having met the reporter in the hall of the Four-courts, on the morning after that report appeared, I reproached him with its inaccuracy. The reporter was, as most reporters are, sturdy upon the subject, and denied the inaccuracy of the report. I accordingly spoke to another reporter, with whom I am acquainted, and at my request he wrote out the notes he had taken, which clearly showed that I had not used the phrases attributed to me; or rather that they were spoken in so qualified a way as to bear quite a different meaning. If I had used the expressions then, I would not deny them now. If I had now to speak of that Act, I would mention it in terms commensurate with my abhorrence of it: it is not possible to find language strong enough to express my detestation of that Statute. Sir, I know of 194 families, aye, families, that have been thrown out of their habitations recently under that law, and are now actually perishing in the ditches without covering—almost without clothing or food. Let those who have no wants to feel applaud that Statute. I will begin with the learned Solicitor-General for England. He demands my first courtesy. I agree in his inferences; I only dispute his statement of facts. But I perceive the noble Lord (Lord Leveson Gower) is about to leave the House. I beg of him to remain one moment. I will dispatch his Lordship first, though out of order. [*Lord Leveson Gower returned to his seat.*] I heard the speech of this noble Lord without surprise or admiration. He took a haughty tone without cause, and a dictatorial manner without authority. First, indeed, he assented to the good taste of my noble and excellent friend, the member for Aberdeen. My hon. friend certainly is not so fashionably neat as the noble Lord. He is not such a ruler of fashion—such an *arbiter elegantiarum* as the noble Lord. He may not be so dainty or so courtly as the noble Lord—but he has qualities which I advise the noble Lord to admire if he does not condescend to imitate them. He is honest—he is straight-forward—he hates a job—he loves economy of the public revenue—he despises the spoliators of the people—and he detects and exposes those peculators whom, in the present state of this House, he cannot punish. Such is my hon. friend. He deserves the respect of every honest man—the love of every good man. He has, indeed, already crushed the pretensions of the learned member for, I really know not what borough. [*A cry of Milborne Port—Mr. North.*] Aye, it may as well be Milborne Port as any other. He had properly denominated that learned Gentleman's speech by a word which is due to that Gentleman himself, and by another equally apposite, which my hon. friend has himself added. He has called it "Salamander buffoonery."—There never was a more appropriate designation. I now return to the noble Lord. He has ventured to censure my conduct out of this House; out of this House or in this House, I hold his censure at naught, nor do I undervalue it. He has taken upon himself, forsooth, to pronounce upon my conduct. I have a right to retaliate upon him as a public man. For his taste, for his judgment, I have no regard; I rejoice that he disapproves of my conduct—I should be sorry if he approved of it. He is mighty in his own conceit—he is little in mine. If he served my country I would value him. But what has he done? What one act of his official life has been useful to Ireland? Where shall I find his services? He has condescended to accept the salary of an office amongst us. I take for granted that he has received the emoluments of that office—I do not know how he has earned them. He has ornamented by his presence the apartments of Dublin Castle. But has he done any act of liberality?—has he promoted any one friend of civil or religious liberty?—has he, in short, raised himself into importance or consideration by any one act of his administration? I deny that he has. What care I, then, for the unwise arrogance — the unfounded presumption—the overweening vanity of his censure. May I continue to deserve it! His office is, indeed, one of great promise. It is part of his public career. He is on his road (for such is the miserable destiny of this country) to still higher station. He is an apprentice in politics, and he dares to censure me, a veteran in the warfare of my country. His office is a mere apprenticeship. The present premier was Secretary in Ireland—the present Secretary of State was Secretary in Ireland—so was the present Chancellor of the Exchequer. Their juvenile statesmanship was inflicted upon my unhappy country. I have heard that barbers train their apprentices by making them shave beggars. My wretched country is the scene of the political education of our statesmen, and the noble Lord is the shave-beggar of the day for Ireland. I have done with the noble Lord —I disregard his praise—I court his censure—I cannot express how strongly I repudiate his pretensions to importance—and I defy him to point out any one act of his administration to which my countrymen could look with admiration or gratitude, or with any other feelings than those of total disregard. His name will serve as a date in the margin of the history of the Dublin Castle—his memory will sink in contemptuous oblivion. I now turn to the learned Solicitor General for Ireland; and first, let me express my abhorrence of his insinuation, that he was in danger of assassination in Ireland. How unhappy is the fate of my country—there is not a pitiful slanderer that does not pour the vial of his wrath upon her. She is also exposed to the more galling meanness of calumnious insinuation, and now here is a broad charge of assassination. We feed, we clothe, we fatten our accusers; and when there is an occasion to make an English prejudice available, then assassination is imputed to us. I cannot find language sufficiently strong to repudiate this foul slander, or to express my abhorrence of it.—Why, even in the worst periods of our disturbances, the legal men were safe. The Whiteboys spared, and even respected the military. They also spared the legal prosecutors. They considered both as merely earning their pay, and treated them with the neutrality of feeling due to mere mercenaries. They killed no lawyers. [*Several Members named Lord Kilwarden.*] The death of Lord Kilwarden was perfectly accidental. He fell by chance into the hands of a party in actual rebellion—and, it is believed, that he was not known to those who put him to death. For the present I pass from the hon. Solicitor General to the member for, I believe, Milborne Port. He has arrogated to himself, foolishly, the office of my censurer. His speech was perfectly characteristic—it contained no argument —it was free from legal knowledge—it left the subject in discussion untouched, in order to introduce topics which might earn the approbation of those who have the means of rewarding his exertions. It was divided into two parts. The first was all fulsome adulation of his legal commandant — adulation as groundless as could well be procured out of this House by the most accomplished sycophant. His second part was a prepared attack upon me. The pompous inanity of his studied, periods—his ludicrous self-complacency, have been well commented on by the hon. member for Aberdeen. I laugh to scorn his virulence. What right has he to convert himself into my censurer? What excess of arrogance is it not in him to pronounce on my conduct? Let him, however, do me this only kindness—never to inflict on me the punishment of his praise. What are his claims to the importance of being my accuser? If, indeed, I had come into this House nobody knew or cared how—if I had placed myself securely on the back row of the Treasury benches—if I had wasted my nights without daring to think for myself, listening to debates in which I was not allowed to share—considered so unimportant as to have no opinion of my own, but expected constantly to attend the ministerial troop, and unremittingly to vote with the Minister, then, indeed, might I be so low, so worthless, as to be the just object of contemptuous censure. But as I stand in the House the freely-chosen Representative of the people, I can easily, and without effort, despise the sickly affectation of phrase—the frothy selection of diction—the empty, but virulent declamation—and in short, the entire combination of worthless vituperation which has already been so justly styled "Salamander buffoonery." I shall dismiss the learned Gentleman's attack in a few words. I think it was in bad taste; I am sure it was in bad feeling

—but there is something worse, infinitely worse. Why, Sir, the hon. and learned Gentleman actually asserted that I had postponed this Motion from time to time —from one day to another day—and that having run through all these changes, I at length fixed on a Wednesday, in the hope that there might not be a House. I now ask, Sir, is this true? Is there one single word of truth in it? Judge of the materials of the hon. Gentleman's mind, when he pompously makes a statement totally destitute of truth. Why I never postponed this Motion. I never appointed any day but one, and that is this day. And as to the supposing that there would not be a House, did I not know as well as the hon. Gentleman himself, that there are enough of retainers always ready to make a House for those who find favour on the ministerial benches. How can I expect not to be falsely traduced upon matters which occurred in Ireland, when here, in the presence of the entire House, a charge is brought against me directly contrary to the known truth. I thus abandon the learned member for Milborne Port to enjoy his "Salamander" regard for dull matter of fact, and proceed to the rest of my antagonists; and here let me thank the hon. and learned Attorney and Solicitor Generals for England, for the pleasing contrast between their good manners and mode of treating this subject. They contrast strongly and pleasingly with the conduct of those to whom I have been hitherto replying. — The Attorney General has founded his argument on a mere misrepresentation of what fell from me. He misrepresents my charge, and then says it is unfounded. My only and sufficient answer to him will be found in the distinct repetition of my charge, which I shall have hereafter to make. The learned Solicitor General for England deserves a different consideration, and I at once admit the force of his reasoning. His arguments are excellent—the facts alone fail him. I entirely concur with him in his reasoning, but I will easily shew that he has mistaken the facts completely. I wish he had taken the trouble to read the deposition of the 29th of April before he spoke of its contents. Sir, he has not read it at all. It is not what he says. It is not a deposition sworn to obtain a warrant. No warrant was to issue on it. It is a detailed account of the progress of a conspiracy.—It is a piece of history—an historical detail of the progress of a conspiracy. But of what conspiracy? Of a conspiracy totally differing in its nature and its details from that which Patrick Daly afterwards deposed to on the table as a witness. Let the Solicitor General remember, also, that this deposition relates to transactions of the 27th of April, and that it was sworn to on the 29th, two days after. Yet this contradictory document was withheld at the trial, and convictions were had on the testimony of the man who was known to the counsel for the Crown to have grossly trifled with his oath. The second mistake of fact which the Solicitor General for England falls into arises from the fallacious and deceptive statement of his colleague, the member for Kilkenny. He is by that mis-statement made to believe that one of the four men accused of the conspiracy to murder, formed at the fair of Rathclare on the 27th April, 1829, was convicted at the last Cork Assizes upon the same evidence and before the same Judge. Sir, I totally deny that fact. It is true that one of the four men tried at the last Cork Assizes was convicted, but not on the same evidence, nor for the same offence. The offence for which four men were tried at the last Cork Assizes, and one of them convicted, was an offence committed on the 2nd of March, 1829, and he was not one of the four men who were accused by Patrick Daly of the offence of the 29th of March subsequent. The Solicitor General for Ireland avails himself of the number being four in each of the cases, and thus he actually makes the House, and even his own colleague, believe, that one of the four men accused at Rathclare by Patrick Daly, was convicted at the last Assizes, a matter in itself totally false. Let there be no doubt of this. The four men accused at Rathclare, by Daly, were named Leary, Burke, Keefe, and Connors. The man convicted at Cork was named Lynch. Thus the fallacy as to the number of four men is completely exposed. The next mistake of the Solicitor General for England relates to Mr. Baron Pennefather. He says that the learned Judge was in possession of the deposition at the first and second trial. I allege my conviction that he got that deposition only during the third trial. I say it is a calumny on that able and humane Judge to assert the contrary. If he had the deposition at the first or second trial, would it not have been equally his duty to produce it to the prisoner's counsel at the first or second trial as at the third? He felt it his duty so to produce it at the third trial. Would not the production at the third trial only have been a direct condemnation of his own conduct at the two former trials, if he had that deposition in his possession at those trials and withheld it? Sir, I repudiate such a slander on the learned and able Judge. It is the Solicitor General for Ireland who imputes this misconduct to the Judge. I stand up in his defence—I am convinced he is incapable of deserving this censure—no man ever attained the high station he holds with more correctness or reputation. He won the prize by his profound legal knowledge, his strict propriety of professional conduct, and by his unblemished moral character. He was no ignorant pretender, who endeavoured to compensate for his want of legal knowledge by his servility. He was no unprincipled adventurer, who being without knowledge of law, sought promotion by pandering to the bad passions of persons in power. No, his course was plain, open, and dignified. And now that this fact is in dispute between the learned and hon. Gentleman and myself—to what and to whom do I appeal? Why, to the notes of the learned Judge himself? Can any thing but a consciousness that the fact is as I state it, tempt the Gentleman to refuse me those notes? If they are refused, I then stand on the fact as proved by the natural and necessary result of such implication. Allow me one word as to the testimony borne by the hon. member for Cork, (Mr. Callaghan). He was on the second jury, and he has, it seems, made this sapient disclosure—that the jury were agreed as to the guilt of the prisoners, and differed only with respect to the evidence. Precious and sagacious jurymen—they were ready to declare the prisoners guilty, but then they had not sufficient evidence to convict them. Admirable distinction! Why, how could they ascertain the guilt, except by the evidence? It was the very thing they had to try, the credibility of the evidence to establish the guilt. It seems, however, that the hon. Member reversed the process, and having first decided that the prisoners were guilty, he then began to discuss the question of whether or not there was evidence to warrant that decision. I did, indeed, feel for my clients—persecuted clients—at the trial; but how much more should I have felt if I could have imagined that their lives depended on the deliberations of such a sagacious set of jurymen—of men who could continue for thirty-six hours under such an absurd delusion, with the hon. Member assisting them to go astray. Was not I right then to laud the one man of common sense who happened to be amongst them? I have heard of a juryman who refused to acquit, for no other reason than this, that the charges contained in the indictment were atrocious, although not proved. The hon. member for Cork was not that juryman I assure the House: but it was a person of equal sagacity. I cannot, however, avoid congratulating the House on the accession of wisdom which the hon. Gentleman has brought amongst us. I also congratulate the Solicitor General for Ireland on the support of so discriminating an advocate. I now come to the hon. Solicitor General himself; and first, as a gentleman of the Irish bar, I repudiate and condemn in the strongest terms known to the English language, the practice stated by the hon. and learned Gentleman of examining witnesses by counsel out of court. I assert that such a practice is held in just abhorrence by the Irish bar—that it is utterly repugnant to our habits and feelings of propriety. Sacred Heaven! can the hon. Gentleman be ignorant of the feelings of an high-minded profession on this subject? Yet he stated it in utter unconsciousness of its impropriety. Why, what an evidence is this of the absence of professional knowledge. I do not rest my condemnation of this practice on my own assertion. I appeal at once to the Attorney General for England—I call on him to sustain his Irish colleague if he can. Let him avow this practice if it be possible. But no—I will not wrong him. I know he condemns it as much as I do. I also make a similar appeal to the Solicitor General for England. I confidently state that he will not countenance such a practice. Thus, Sir, I am confirmed by the almost unanimous sentiment of the bar of England and of Ireland, in condemnation of this practice, so flippantly, and as a matter of course, stated by the learned Gentleman. I know some young and inexperienced attorneys have suggested to me, and the parties have sometimes urged me, to see their witnesses. But I have always rejected the proposal with scorn and contempt. The condemnation of this practice does not rest on their assertions or appeals. It was a practice repudiated in this House in the strongest terms in the year 1818. On the 10th of February in that year, Lord Archibald Hamilton brought forward a charge against the administration of justice in Scotland. Amongst the rest this very topic arose—the examination of witnesses out of Court. He quoted a strong and emphatic expression of the then Attorney-General, Sir Samuel Sheppard. Here are the words—[*Mr. O'Connell took up the Parliamentary Debates and read*]—namely, " That God forbid he or any one officially connected with him, should have any intercourse with a witness in a case of public justice." The Attorney-general replied, but he did not deny the accuracy of the quotation: he only qualified the assertion thus—His words, as reported are, " he had not said he never communicated with any witnesses. He only said he never communicated personally with them." Here then is the testimony of the Attorney-general for England at that time disavowing with the solemnity of an oath, any such personal communication as the Solicitor General for Ireland avows he had with witnesses for three days. I stand on this fact. It is alone sufficient to sustain me. Here is an avowed mal-practice. Let me but get the documents I ask for; give me the authentic documents I require, and I again pledge myself to establish every word of the charge I have made against the hon. Gentleman. The charge I make is plain and explicit. It is, that being in possession of evidence, to shew his principal witness forsworn, he persevered in the trial, and sought conviction through the instrumentality of that witness. This is a serious charge. He felt it so. Night after night did he taunt me on this subject. He was ever ready to meet this charge and the House cheered him—and what is the state we are in at present? Why it is just this—he prudently shelters himself from my charge by refusing me the legal evidence which would sustain it. What has been his defence? Why he has mixed up the Sub-letting Act and the Borrisokane trials with dinner speeches and toasts, every one of which I avow, with one topic, with one single exception. I will not follow him at present through his three hours of all manner of subjects, and by courting English prejudices. I care not for those prejudices—I come to the real question. It is this. Am I to get the proofs or not? Those proofs have never been under my control. They are incapable of being altered or influenced by me. I cannot prove my case without them. With them I pledge myself to prove my case. Was there ever, since the world began, such a state of facts as this? I charge the Solicitor General with having produced a witness who, on the table, swore to a case utterly inconsistent with a deposition on oath, made by him two days only after the alleged fact—with having this deposition in his (the Solicitor-General's) possession, and yet that he went on and procured one conviction, and sought others on this man's testimony. Such is my direct, plain, and tangible charge. He denies the importance of this man's evidence. I confute him by showing that there was a conviction when the deposition was not produced—an acquittal on its being produced. He then denies that the deposition contradicted the verbal testimony. I show that the production of the deposition was decisive of an acquittal. Here he and his noble friend are at variance—he admits that there is a discrepancy—the noble Lord says that there is none at all. Let them reconcile that discrepancy between them as well as they can. I contradict both—I call for the Judge's notes, which will show what this fellow swore at the trial—I call for the deposition, which will show what he swore immediately after the transaction—and this reasonable demand—this convincing proof, which is all I ask, is refused. The noble Lord puts it upon his dignity; he is too dignified to give me the evidence. The learned Solicitor put it on no tangible ground, but relies on English prejudice to refuse me what he knows would establish his offence. He has sagacity enough to know the effect of the evidence if produced. The dignity of the noble Lord is only equal to the instinctive sagacity of the learned Gentleman. I repeat it, that after all his taunts, his challenges, his goadings on, it comes just to this—he owes his safety to the suppression of the evidence. Here, then, is my full and complete triumph. If I get the evidence, I establish his guilt. If I am refused the evidence, I obtain the inevitable conclusion, that the evidence is withheld because it would establish his guilt.

Mr. *Perceval* rose to defend the conduct of the Chief Secretary for Ireland. Long after party feelings had ceased, he said his solicitude for the welfare of that country would be recollected with sentiments of gratitude. His character would stand high in the favour of the people of Ireland, when the attacks of the hon. and learned Gentleman were forgotten.

The House then divided. The numbers were—For the Motion 12; Against it 70—Majority 58.

List of the Minority.

Blandford, Marquis.
Cave, R. O.
Cholmeley, M.
French, A.
Grattan, J.
Harvey, D. W.
Heathcote, R. E.
Hobhouse, J. C.
Jephson, C. D. O.
Tomes, J.
Warburton, H.
Wood, J.

Tellers.

J. Hume.
D. O'Connell.

HOUSE OF LORDS.

Thursday, May 13.

Minutes.] Petitions presented. Against any alteration in the Welsh Judicature, by the Earl of Eldon, from the Gentlemen of the County of Carmarthen; and from certain Inhabitants of the County of Montgomery. For throwing open the Trade to China, by Lord King, from the Inhabitants of Tavistock, of Dean Prior, and Buckfastleigh, and of the Clothing District of Gildersome:—By the Marquis of Bute, from the Inhabitants of New Mills, Henfield, and Glossop; the Merchants of Glasgow; the Provost and Burgesses of Calton; the Manufacturers of Wilsden: and from the Cotton Spinners and others of Ashton-under-Lyne. For a protecting Duty on Foreign Lead, by Lord King, from the Owners and Workers of Lead Mines at Tavistock:—And by the Marquis of Cleveland, from the Inhabitants of Stanhope and Walsingham, in the County of Durham. For a commutation of Tithes, by the same Nobleman, from the Inhabitants of Gainsford, Wycliff, Hutton, Ovington, and Scargill. Against inflicting the Punishment of Death for Forgery, by Earl Bathurst, from the Inhabitants of North Shields. Against the Sale of Beer Bill, by the Marquis of Lansdown, from the Inhabitants of Frome, Selwood. For the Abolition of Slavery, by the same Nobleman, from the Inhabitants of Knottingley. For higher Import Duties, by Earl Stanhope, from Joseph Ponsent. Against compelling Merchant Seamen to Contribute to the Funds for Greenwich Hospital, by the same Nobleman, from the Seamen of Whitby.

National Distress.] Earl *Stanhope* presented a Petition from the riband-weavers of Coleshill, Warwickshire, complaining of Distress. The Petition, the noble Lord remarked, was signed by 2,400 persons, who stated that they were involved in the deepest distress. They stated that riband-weaving had been reduced full fifty per cent; that the workmen's wages on an average did not exceed 4*s*. a-week, and that out of 2,800 looms, which were formerly at work, there were at present 1,500 out of employment, and that they must be irretrievably ruined, unless the Legislature interfered for their relief. He quite concurred with the petitioners in thinking that the distress and misery to which they were reduced had been mainly owing to the operation of that pernicious system called Free Trade.

Shipping Interest.] Earl *Stanhope* said, he now rose to present to their Lordships the Petition which the Ship-owners of London had done him the honour to intrust to his care. He thought it was a Petition which well deserved the most serious attention of their Lordships, and he should make a few observations upon it, as he conceived that it related to a subject of extreme importance, not only to the petitioners themselves, but to the general interests of the country. In doing so he should abstain, on this occasion, from entering into any detailed statements, because he did not consider this a proper or fit occasion for them, and because he intended presently to move for certain papers, which, when produced, would furnish their Lordships with most important information on this subject, and would tend to remove many of the delusive errors and mistaken notions which were abroad regarding this question. It would be in the recollection of their Lordships, that when the present new-fangled principles of commerce were first introduced,—at the time when those new and mischievous principles were proposed by a Minister of the Crown, who had since retired from office, but whose pernicious principles appeared still to sway the councils of his Majesty's Government,—it would be in the recollection of their Lordships that at that period the Ship-owners of London, and indeed of every other port in the kingdom, strongly protested against the measure, and expressed their opinion—an opinion repeated in the present Petition—that the change introduced by that measure would be followed by the most detrimental consequences to their own interests, and to the interests of the country at large. A melancholy experience of the effects of that measure had fully verified those predictions, for the result was, that that measure had been productive of the most disastrous consequences to the shipping and commerce of this country. It was in vain to expect that British Shipping, taxed as it was with such a variety of expenses, could hope to compete with foreign. For building and wages the British Ship-owners paid nearly double. Now what was the effect of the alteration of the Navigation-laws, on which their ancestors had relied for the main strength of their commercial marine? Why, evidently to lower the rates of British freights, and so far deteriorate the home Shipping. Besides, the treaties of reciprocity, as they had been called, had gone exactly to produce the same effect,—they had advanced the foreigner at the expense of the British Ship-owner; they had not only reduced the capital of the Ship-owners, but also materially reduced their rate of freightage. The petitioners request, that articles purchased by British subjects in foreign countries should be imported in British ships, leaving foreigners to pursue such a course in the employment of their own capital as they pleased. Perhaps it might be said, that as these reciprocity treaties were fixed for a certain date, they could not now be broken, till the expiration of the time so stipulated, but still there would be some hope for the sufferers were Government to declare that acts so pregnant with evil should not be renewed. It was competent for either of the parties, to the treaty with the United States of America, to notify a time for its termination, and the Shipping-interests would feel the benefit of a pledge that it should terminate at a certain time. He had heard elsewhere, that notwithstanding the important commercial alterations to which he, in common with the petitioners, had referred their subsequent decline, that there had been an increase of tonnage. Now, were inquiry granted, this he would prove to be an error; for in the mode of calculating the tonnage in some of these returns the same tonnage of a single vessel was multiplied each voyage which she took; for instance, if the ship of 300 tons made twenty voyages in the year, she appeared in the returns of tonnage at 6,000 tons, instead of being set down at 300 tons. If Parliament did not depart from the principles which modern philosophers had so unhappily instilled into it, the whole groundwork of the British navy would in time be destroyed; indeed, this was admitted by Mr. Ricardo as a consequence of his measures, for he freely declared, that he would buy wherever he could get the article, be it freight or produce, cheapest. At all events, he hoped inquiry would not be denied to these petitioners; they then would at least have the satisfaction of knowing what were the ultimate views of the Government, and with them what would be the fate of their trade, which was the nursery of the maritime strength of Great Britain.

The Duke of *Wellington* said, that he felt as acutely as any noble Lord for the distress of any class of the community, but he could prove from official details that his noble friend was entirely in error respecting his view of the present condition of the Shipping-interest of Great Britain, and that our merchant vessels had increased since the adoption of the new measures to which the noble Earl had ascribed an injurious operation. He spoke upon this point from official details. In the year 1814 the number of British ships entered inwards was 8,975, in the next three years they averaged 9,959, and then from 1820 to 1823, they averaged 11,056; the same augmented average was observable in the years 1824, 1825, and 1826, when it was 12,574; and in 1827, 1828, 1829, the number averaged 13,409, being near 5,000 more ships in that year than in 1814, and 1,200 more than the average number for the three years preceding the reciprocity treaties to which such injurious consequences had been ascribed. In the last year the entries were 13,659, and the tonnage 2,184,535, being the greatest number ever known in the commercial history of this country. He begged their Lordships to remark, that the increase was gradual and progressive, occurring year after year. It was not therefore the result, as the noble Earl might suppose, of the ancient laws, nor had it been impeded by the new laws. In conjunction with this gradual increase of British shipping, he would wish their Lordships to observe what had been the progress of foreign shipping. In 1814, when the number of British ships entering inwards was 8,975, the number of foreign ships was 5,286; in 1817, when the average number of British ships was 9,959, the number of foreign was 3,974, shewing a large decrease in the latter. In 1820, the number of foreign ships was 4,639; in 1823 it was 3,573; in 1826 it was 6,116; and in 1829 it was 5,218, shewing that the relative increase of shipping was altogether on the side of this country. In fact, there had been rather a decrease of foreign vessels, and a great increase of British ships engaged, as the noble Earl would have it, in a sadly losing trade. All this, however, and every thing of the same kind, went for nothing with the noble Earl. It was perfectly true that the increase of trade with those countries to which we were bound by reciprocity treaties had not been so great as their Lordships might desire, but still there had been an increase. Again, to advert to another part of this losing concern of the noble Earl—the number of ships built within a certain period. He knew very well that if the trade was a losing one, and men had ships, it was better to employ them at a low freight than allow them to rot idle in the docks; but then, if nothing was to be made by the shipping trade, why build new ships? If the trade in the old were carried on at a loss, for what reason did they build new? Now, taking each year since the year 1814, he found the following statement on the subject of ship-building:—

In 1814 the number was 733
1815 .... „ 949
1816 .... „ 866
1817 .... „ 766
1818 .... „ 761
1819 .... „ 797
1820 .... „ 635
1821 .... „ 597
1822 .... „ 571
1823 .... „ 604
1824 .... „ 837
1825 .... „ 1003
1826 .... „ 1037
1827 .... „ 911
1828 .... „ 857
1829 .... „ 734

By this statement it would be seen, that the average of the three years before the adoption of the reciprocity system, was only 591, while the average number of ships built since that system came into operation was 834. With reference to the reciprocity treaties, he was quite free to admit that they were adopted with a view to decrease the price of freight in this country, so as to enable the British merchant to take his goods abroad, and bring back his returns, on cheaper terms than before, and thereby to enable him to compete with the new state of things, which it was foreseen must arise in the new condition of the external relations of British commerce. It was well known that freights would be rendered cheaper, but when the trade since 1814 had nearly doubled, the voyages were made quicker, and of course, though the sums paid were smaller, the advantages of more rapid commercial intercourse would more than make up the difference. When the noble Lord said that nothing had been done for the Shipping-interest, but that every thing had been done against it, he must appeal to facts against the assertion. Were there not great facilities now afforded in quarantine regulations,—had there not been a great reduction of colonial fees? The stamps on registers and shipping bonds were reduced from 30*s*. to 5*s*.; the stamps on ship-transfers and on mortgages had also been decreased. In all the stamps on shipping transactions, reductions had, in fact, been made: the tonnage duty had been repealed, lights and harbour dues greatly reduced, and a greater latitude allowed for repairing ships—they could be repaired abroad, to break down combination at home; half the hemp duty had been repealed; and all these regulations must surely be admitted to have been benefits conferred on the shipping-interest during the time which the noble Lord says that nothing was done by the Government to protect the interests of this class of the community. When these circumstances were all taken into consideration, recollecting that voyages were now much more rapidly made, and were more frequent than formerly, he thought they must refute the statements which the noble Lord was so anxious to make. He was at a loss to see what good could result from the proposed inquiry; for it could only make apparent the same details which he had already given from official records, the general tendency and result of which could not, he thought, be mistaken.

Earl *Stanhope* said, he hoped their Lordships would allow him to make a few observations in reply to what had fallen from the noble Duke. The noble Duke had said, that the increase of tonnage necessarily proved the prosperity of the Shipping-interest. In the course of the observations he had already made, he had protested against any such inference being drawn from the amount of tonnage. On that subject he would repeat what he had said last year. In 1814, 1815, and 1816, (he did not quote from written documents) there was a decrease of tonnage. In 1817 and 1818 there was a considerable increase in the number of ships and tonnage. In 1819, 1820, and 1821, there was a decrease in the number of ships and the amount of tonnage, although these were years of comparative prosperity. In the year 1826 there was a great decrease, and in the years 1827 and 1828 there was a progressive increase. According to the noble Duke, the Ship-owners could not be in a state of great depression, because the various circumstances referred to shewed an increase in the amount of tonnage. This view of the subject was, however, fallacious, and it was necessary that the accounts should be laid before the House, in order that they should be accessible to all who were anxious about the public interests. When it was stated that there was an increased number of ships, he was rather disposed to think that the number must be multiplied in those papers. The noble Duke stated the amount of registered vessels and the annual tonnage, exclusive of any consideration of the number of voyages, which one vessel might make in the course of a year. When they talked, however, of an increase in the amount of tonnage, as a proof of the prosperity of the Ship-owners, it ought to be taken into consideration that some markets had been extended and others opened to the trade of the country. Mr. Canning, in his oratorical manner, on one occasion stated, that he had opened a new world to the commercial navigation of this country. In his view the greatest proof of the depression of the Shipping-interest was, that notwithstanding the increase of population, the opening of new markets, and the increase in the quantity of exports, (for there was an increase in the quantity though the declared value was less) but notwithstanding all this increase, our shipping had not advanced in an equal ratio. One of the arguments used in defence of the alteration of our commercial system was, that Prussia would have imposed heavy duties on our shipping if those concessions had not been made. That government was, he believed, too enlightened, and afforded in many instances, too good a model of legislation, to insist on those concessions, if there had not been on our part a disposition to grant them. The government of Prussia was too well aware of its own interests to urge any demands which might oblige it to forego the advantage Prussia already enjoyed under the treaty with this country. It had an undoubted right to remonstrate if we proposed to put an additional duty on Prussian vessels; but that was no reason why the commercial code under which this country so long flourished, and to which its prosperity was mainly owing, should have been altered. The noble Duke had avowed that Government, when altering the Navigation-laws, contemplated the reduction of freights. Before the alteration took place, then, it should have been proved to the satisfaction of Parliament, and of the people, that freights were previously excessive. We had yet to learn, however, what advantage had actually arisen to any class of the community, from the measures which, it was now said, were intended to reduce the rate of freight. It appeared to him, that the interests of the Ship-owners had been sacrificed, and their property plundered, without any class of the community having been benefitted. Indeed, he defied his Majesty's Government to shew that any class of the community, or any branch of the productive industry of the country had been benefitted by the alterations in our commercial system. There was not a single class of the population that was not suffering grievous, and in many cases intolerable distress. Notwithstanding the change, the disease was spreading, and threatened the dissolution of society. The amount of the distress varied in particular cases by local circumstances, such as the amount of the poor-rates, the demand for labour, and the rate of wages; but among all classes of the community, and in all parts of the kingdom, suffering was great, and distress unexampled. He conscientiously believed, that to the Minister who proposed the alterations in our commercial system, the country was indebted for much of the distress under which it was suffering, and the dangers to which it was exposed. If that Minister had fairly and honestly avowed at the time, that he wished to reduce the rate of freight; and if he had said to the Ship-owners, "I shall reduce the rate of freight, and I care not what distress you may suffer," such a spirit of decided and determined opposition would have been raised, that the measure could not have been carried. If, as the noble Duke believed, the Ship-owners were not in distress, what possible objection could there be to an inquiry? It was not his object then to press for an inquiry, though it might be his duty to do so on a future occasion, when the accounts which he proposed to move for should be laid on their Lordships' Table. Considering the period of the Session, it was not likely that they would be laid before their Lordships until its close; but some inquiry was due to the importance of the subject, and he could not but express his surprise that such an inquiry had not been long since made, if it were only to answer the repeated remonstrances of the Ship-owners. If their representations were not correct, nothing could be more easy and simple than to confirm the view taken by the noble Duke, —to disprove the depression which they alleged to exist,—and to shew that they were not navigating their vessels at a loss; for that was the real question. It would be unbecoming in him to say that he knew better than the noble Duke the state of the Shipping-interest; but he must say, that there were persons who were better acquainted with it than either the noble Duke or himself,—he meant the Ship-owners themselves. They stated, that the value of their vessels had been diminished fifty per cent by the repeal of the Navigation-laws. As to the amount of freight, it was quite clear that it must be regulated by the rate of freight in the continental ports. If the rate of freight were cheaper in them than in British ports, the merchants would employ foreign ships in preference. Nothing could be more simple, however, than to ascertain all those points, by inquiring in a committee. It would be useless and unnecessary, however, to go into an inquiry, if it were determined beforehand not to grant any relief, whatever might be the result of the investigation. The noble Duke had referred to the abolition of the harbour-dues as affording relief to the Ship-owners. That abolition, however, was attended with loss to the public. Those dues were received in many cases by corporations, for local purposes, and when they were abolished the public was obliged to give compensation to those parties to the amount of 175,000*l.*

The Duke of *Wellington.*—The Ship-owners were relieved in proportion.

Earl *Stanhope* admitted that the Ship-owners were relieved in one way, but they were burthened in another by the taxes to which they were obliged to contribute for compensating all these corporations. It was not, however, his intention to enter into minute details—but to take such a general view of the subject, as would authorize him to conclude by moving for certain returns calculated to throw light on it.

Lord *Ellenborough* said, it was very prudent of the noble Earl to enter into a general discussion on the subject, and to assume as facts, matters which the papers he was about to move for would disprove. After the explanation given by the noble Duke, it was unnecessary to offer any observations whatever upon this subject; but he was desirous of noticing some of the statements made by the noble Earl; it was true, as stated by the noble Earl, that it was impossible to ascertain the exact amount of tonnage in any one year, because the number of voyages made by the same ship was not specified in the accounts; but they would enable their Lordships to draw a comparison between one year and another. The circumstances which affected the accuracy of the amount, occured in one year as well as in another; and therefore the proportions might be correct, though the exact amount in each year could not be precisely ascertained. He admitted that the Ship-owners, taking them as a body were sensible men, who knew their own interest; and he could not believe that they would go on extending their trade, had it been, as represented, a losing trade since 1820, with the exception of the extraordinary year 1825; yet the tonnage of British vessels entered inwards, in the years ending

			Tons.
5th January,	1822,	was	1,599,274
„	1823,	„	1,664,186
„	1824,	„	1,740,859
„	1825,	„	1,797,320
„	1826,	„	2,144,598
„	1827,	„	1,950,630
„	1828,	„	2,086,898
„	1829,	„	2,094,357
„	1830,	„	2,184,535

shewing a continual increase, not to be equalled, he believed, certainly not surpassed by any other branch of trade. In looking into other accounts connected with this subject, he found one or two results confirming the view which had been presented to their Lordships by the noble Duke. Comparing the amount of tonnage built and registered in the several ports of the British empire during the last three years with the average amount in the years 1814, 1815, and 1816, he found this result:

Number of Ships built and registered.

		Tons.
In 1814, 1815, and 1816,	carried	114,630
In 1827, 1828, and 1829,	„	166,595
Shewing an increase of		51,965

although, for the year 1829, all the returns had not yet been received. Notwithstanding this deficiency, however, the average for the last three years was nearly fifty per cent greater than in the former three years he had referred to. The increase in the number of men navigating British ships, entered inwards exclusive of the trade between Great Britain and Ireland, taking the average of the same years, was from 83,004 to 109,602. The number of men navigating foreign ships entered inwards during the same period, was, 31,846 and 37,867. The increase therefore in the number of seamen navigating foreign ships was only 6,021; whilst there was an increase of 26,598 in the number of men navigating British ships. It was perfectly true that, under the treaties of reciprocity, the trade of some foreign states had increased; but at the same time, the trade of other states had decreased, so that on the whole, he found that the increase of British tonnage, beyond that of foreign Powers, was very considerable. Even with respect to Prussia, a case which had been particularly referred to by the noble Earl, of which the increase of tonnage in its favour amounted to 4,000 tons, as compared with this country; yet, that was to be accounted for by the great increase of our trade with that country, caused by the treaty of reciprocity, and of which increase our shipping had a share, though it did not equal the amount enjoyed by Prussian shipping. The imports from that country, which in the year previous to the conclusion of the treaty amounted in official value to 543,089*l.*, reached, in 1828, to 1,108,758*l.* With respect to America also, how did the comparative account stand? The British tonnage entered inwards from the United States, in the two years previous to the reciprocity treaty, was 86,654 tons—that of the United States, was 348,628. In the two last years the British tonnage had risen to 141,501 tons, and the American had decreased to 300,501 tons. When the papers were produced, which the noble Earl meant to move for, their Lordships would be able to judge of the accuracy of these statements. He would say no more, further than again to compliment the noble Earl on the judgment he had shewn in making his speech before he had his facts; stating to their Lordships his own assumptions rather than the deductions of accurate and authentic documents.

Earl *Stanhope* said, he thought that the question had been unfairly argued by the noble Lord who had just addressed them. It would have been preposterous if he had argued, that the increase of the shipping of some states was not followed by a diminution of the shipping of others. When he called for documents, he was not to be met by accounts pulled out of the pocket of a Cabinet Minister, which might perhaps hereafter be described as such document had before been, as nothing more than private memoranda. When an account was produced of the declared value of articles exported, we were told that it was impossible to obtain a correct account, because on some occasions the value was taken, and on others their weight, and therefore, that the account must be unsatisfactory. The noble Lord must not knock him down, therefore, with a statement of the value of goods imported from Prussia. If that statement were correct, would it not be equally easy to produce an account of the value of goods imported from France? In order to form any conclusion on such statements, there ought to be a general valuation of all the articles imported. With respect to the Shipping-interest, the question was, whether it was or not a losing concern, and he believed that upon inquiry, it would appear to be a losing concern. Their Lordships would not, he hoped, suffer themselves to be led away by the multitude of details which had been forced upon their attention, until they weighed and considered their effect, and ascertained how far the noble Duke and the noble Baron could vouch for their correctness. The noble Earl concluded by moving, that there be laid before the House,

"A return of the Shipping employed in the trade of the United Kingdom, exhibiting the number and tonnage of vessels entered inwards and cleared outwards; with the number of their crews, distinguishing British from foreign ships, and the trade with each country in each year, from 1814 to 1829, both inclusive, specifying the countries with which treaties of reciprocity have been concluded;—also a return of the number and tonnage of ships and vessels built and registered in the United Kingdom in each year, from 1814 to 1829, both inclusive, distinguishing the number and tonnage of those built in the United Kingdom from those built in the Colonies:—also, a return of the number and tonnage of ships belonging to the several ports of the United Kingdom, from 1814 to 1829, both inclusive; distinguishing those belonging to the United Kingdom from the Colonies, and excluding those navigated by steam:—also a return of the number and tonnage of vessels belonging to the United Kingdom that are navigated by steam:—also, a return of the number and tonnage of ships and vessels registered in the United Kingdom in 1825, and in every subsequent year, distinguishing each year:—also, a return of the number and tonnage of ships and vessels, navigated by steam, which cleared outwards, and entered inwards, in the ports of the United Kingdom, to and from foreign ports in each year, from 1822 to 1829, both inclusive:

—also, a return of the number and tonnage of ships and vessels navigated by steam, which entered inwards and cleared outwards coastwise in each year, from 1822 to 1829, both inclusive:—also a return of the number and tonnage of ships and vessels which have been broken up or sold to foreigners in each year, from 1824 to 1829, both inclusive: also, a return of the number and tonnage of ships and vessels which are lost or missing, of which the owners have not delivered up their certificates of registry:—also, an account of the monies paid out of the public Revenue from the year 1824 to the year 1829, distinguishing each year, to any corporation or public bodies, for compensation for light, pilotage, harbour-dues, scavage, alien-dues, and dock-dues; distinguishing the corporations and public bodies, and amounts paid to each:—also correspondence relative to the petitions of the Ship-owners of the port of London, addressed to the Privy Council."

The Marquis of *Londonderry* thought the present low state of the Shipping-trade well worthy of inquiry, with a view to devising a remedy; and that the thanks of the country were due to the noble Earl (Stanhope) for his zealous endeavours to bring the case of the Ship-owners before Parliament.

The Duke of *Buckingham* said, that the British shipping had increased since, and in consequence of the Reciprocity Treaty Acts; and that the statements made by his Majesty's Ministers were complete answers to the complaints of the noble Earl. He did not object to the production of the documents, but he thought they were perhaps more voluminous than was requisite.

Earl *Stanhope* in reply to the noble Duke, his relation, observed, that the statements of the Ship-owners were more worthy of credit than the public documents. Their distress could not be doubted in the teeth of their own assertions, and indeed it was proved by the necessity they had been laid under, of entering into competition with foreigners, who could build, victual, man, and repair their ships at so much less cost than they could.

The Returns were ordered.

[The further examination of witnesses on the East Retford Disfranchisement Bill was proceeded with.]

HOUSE OF COMMONS.

Thursday, May 13.

MINUTES.] Returns ordered. On the Motion of Sir J. WROTTESLEY, Money due to the Bank of England on account of the Annuity purchased under the 4 Geo. IV. c. 22:—Places where Joint Stock Banks have been established under the 7 Geo. IV. c. 46:—On the Motion of Lord SANDON, the number of applications made to the Commissioners for Building Churches under the 7 and 8 Geo. IV. c. 72, and the number granted:—On the Motion of Mr. D. W. HARVEY, of the amount of Fees received during the last seven years in the office of his Majesty's Auditor of Crown Property, distinguishing the amount received in each year, the scale of charges, and how applied:—Of the amount of Fees received during the last seven years in the office of his Majesty's Surveyor General of the Land-revenue, distinguishing the amount received in each year, the scale of charges, and how applied:—On the Motion of Mr. HUME, of the number of each class of Non-commissioned Officers and Privates of the Artillery, Sappers and Miners, and others belonging to and pensioned by the Ordnance Department, stating the amount of the Pensions of each, and the aggregate amount of these Pensions in 1829.

Petitions presented. In favour of the Jews Relief Bill, by Mr. C. GRANT, from the Inhabitants of Brighton:—By Mr. KEMP, from the Jews of the same place:—By the Earl of SURREY, from the Inhabitants of Worksop:—And by Mr. W. SMITH, from the Inhabitants of Norwich. Against the increase of Duties on Home-made Spirits, by Mr. KENNEDY, from the Commissioners of Police, Leith:—And by Lord KILLEEN, from the Landlords of the Parishes united to Skryne. Against the Duty on Coals carried Coastwise, by Sir T. D. ACLAND, from the Inhabitants of Newport and Bishopstawton, of Newton Abbott, and Newton Bushell, and of Chudleigh. Against the increased Stamp Duties (Ireland), by the Earl of BELFAST, from the Newspaper Proprietors of Belfast:—By Mr. O'CONNELL, from the Letter-press Printers of Dublin; and from the Merchants and others of Dublin. Against the Administration of Justice Bill, by Sir C. GREVILLE, from the Inhabitants of Warwick. For a Commutation of Tithes, by Colonel CRADDOCK, from the Inhabitants of Wycliffe Hutton, and other places in Yorkshire. In favour of the Landlords' Liability Bill, by Mr. STANLEY, from the Select Vestry of Preston:—And by Mr. SLANEY, from the Parishioners of Sedgeley. For giving Poor-laws to Ireland, by Mr. C. GRANT, from John Lawless. For the abolition of Slavery, by Mr. LITTLETON, from Dissenters at Great Driffield. Against taking Apprentices for a less period than Seven Years, by Mr. FYLER, from the Ribbon-weavers of Coventry. Against allowing Tobacco to be grown in this Country, by the same hon. Member, from the Tobacco Manufacturers of Newcastle-upon-Tyne. For an amendment of the Laws relative to Landlords and Tenants, by the same hon. Member, from the same place. Complaining of the Conduct of Sir Edward Barnes, the Governor of Ceylon, by Mr. STEWART, from Mr. Bennett, formerly an Assistant Collector of the Revenue at Ceylon. Against the Sale of Beer Bill, by Mr. CHAPLIN, from the Inhabitants of Sleaford:—By Mr. T. ESTCOURT, from those of Marlborough:—By Mr. J. FANE, from the Publicans of Wallingford:—By Mr. WODEHOUSE, from those of Diss, Grimshoe, and East Dereham:—By Lord EBRINGTON, from the Overseers of the Poor of St. Paul's, Covent Garden:—And by Mr. DICKENSON, from the Inhabitants of Frome Selwood. For the Abolition of the Punishment of Death for Forgery, by Lord EBRINGTON, from the Inhabitants of Tavistock:—By Mr. DICKENSON, from the Inhabitants of South Brent, and of Winscombe:—By Sir T. D. ACLAND, from the Inhabitants of Moreton, Hampstead, and of Collumpton:—And by Mr. BROWNLOW, from the Directors of the Provincial Bank at Belfast. For the abolition of the East India Company's Monopoly, by Lord EBRINGTON, from Tavistock.

MAURITIUS SUGAR AND SLAVERY.] Mr. *Stanley*, in presenting a Petition against the monopoly of the East-India Company, took the opportunity to inquire whether the right hon. Secretary for the Colonies was aware what portion of the

Sugar imported into this country as Mauritius Sugar, was, in fact, Java Sugar, imported from that island into the Mauritius, and then exported to England as the produce of the Mauritius. He had heard this was the case, an assertion that was borne out by the great increase in the quantity of Sugar imported from the Mauritius, which in 1828 was only 48,000,000 lbs., and last year was 90,000,000 lbs.

Sir *George Murray* replied, that if Java Sugar were so imported into the Mauritius, and re-exported to England, it was done contrary to law, and it could not be done unless there were connivance and criminality on the part of the Custom-house officers at the Mauritius. He was not however aware that any such thing had occurred. A limited quantity of foreign Sugar might be occasionally introduced there by a vessel having sustained damage at sea, when she might be allowed to land part of her cargo, and dispose of it to pay the expenses of her repairs; but if more than that were introduced, it must be effected by fraud. The increased quantity of Sugar imported into this country was to be accounted for by the increased cultivation of sugar-cane in the island. The Mauritius having been placed on the same footing in our markets as the West-India islands, the planters had given up the cultivation of Coffee for the cultivation of Sugar. The great advantages also accruing from that cultivation had at one period led to the importation into the Mauritius of persons who were then Slaves, or were afterwards enslaved, in violation of the law, and that importation had extended the cultivation of Sugar.

Mr. *W. Smith* thought the admission of the right hon. Secretary, relative to the importation of Slaves into the Mauritius, of great importance, as that fact had formerly been strenuously denied, and the statements of his hon. friend, the member for Weymouth, were declared to be entirely destitute of foundation.

Mr. *Bernal* wished that the right hon. the member for Liverpool had been present, because he was interested both in the quantity of Sugar imported from the Mauritius, and in the fact of Slaves having been imported into that island. He certainly did not calculate on such a large quantity of Sugar being brought from that country, and as it was alleged to be partly Java Sugar, the subject was worthy of the consideration of the Government.

Sir *G. Murray* concurred in the opinion that this subject was of importance, and the attention of the Custom-house officers ought to be directed to it. With respect to the illegal importation of Slaves, to which he had alluded, he begged leave to add, that it took place in 1819 and 1821.

Mr. *Fowell Buxton* was deeply interested in the admission of the right hon. Secretary, for he had been exposed to much obloquy for making a similar assertion, and his statement had been flatly contradicted.

Mr. *Irving* stated, that the late governor of the Mauritius, when the investigation took place, admitted that there had been an importation of Slaves, but he proved, to the satisfaction of all candid men, that the practice was suppressed as soon as he had the power to suppress it. The charge made against him was groundless, and if the committee had continued its labours, he had no doubt that his hon. friend would himself have admitted that.

Petition to be printed.

PUNISHMENT OF DEATH FOR FORGERY.] Sir *J. Macintosh*, in presenting a Petition from 697 of the inhabitants of the City of Edinburgh, praying for the abolition of the Punishment of Death in cases of Forgery, stated, that the signatures of a considerable number of the petitioners were those of men of the most distinguished ability in Edinburgh. There were Clergymen of all denominations, the leading Professors of the University, the chief members of the Bar, and eighteen Bankers, in a city the chief business of which was banking. The latter body of petitioners especially stated their insecurity under the present system of law. He thought that the nature of these petitions, and the classes of men who had signed them, showed that the people of this country were ripe for the abolition of the punishment of death in case of Forgery.

Mr. *Williams* said, that on every occasion when this question was discussed, he should support the abolition of the punishment of death; for he was persuaded that it was not for the interest of the bankers that it should be maintained.

The *Lord-Advocate* bore testimony to the high respectability of the petitioners, and said, that if the House should be of opinion that the law ought to be altered in this country, he should certainly do his best to introduce the alteration into Scotland. But he must say, that in his opinion, the law did not accomplish the proposed end of repressing crime. The law was not severely executed in Scotland, for the officer of the Crown there possessed the power of exercising his discretion in putting a restriction upon the infliction of the punishment of death. Since he had been in his present office, he believed he had not severely enforced the law, and he would refer to some returns, which would show in how few cases it had been necessary to carry the law into full effect. From the year 1815 to 1826, the number of persons committed for forgery was 194, out of whom, during the seven first years, only seven suffered death; and during the years 1824, 1825, and 1826, not more than one or two had suffered death. Considering the increase of other crimes in Scotland, these numbers showed that the crime of Forgery was not very extensive there.

Mr. *Baring* said, the question was one of great importance, affecting the general feelings of the people on one side, and the interests of very numerous classes of men on the other; and any alteration of the law that should destroy the security of signatures, as respected bills and notes, would be most mischievous. His decision upon the question would depend on what the advocates of the abolition of the punishment of death offered in the way of a secondary punishment. Transportation for seven years would be treating it with too much levity, and transportation for life was a less punishment than for a shorter period. If the remedy were imprisonment, with hard labour, or any other punishment which, in the opinion of mankind, would not convert the offender into a pitied sufferer, he might, perhaps, support it, especially if the offender were taught not to look for an early remission of his punishment. He did not say, that he wished the punishment of death to be inflicted for Forgery, but he would say, that a punishment ought to be inflicted sufficiently severe to operate as a terror to those who would otherwise be inclined to violate the laws, and to attack private property. He must, however, observe, that if this alteration were made in the criminal law, it must be extended further: for he could not see, if they removed the penalty of death from Forgery, how they could retain it in other cases, that of sheep-stealing for instance.

Sir *M. W. Ridley* believed the fact to be well known to those who had inquired into the matter, that it generally happened that individuals going out of the country under sentence of transportation, were in a short time better off than they would have been had they remained at home. If transportation were the punishment finally fixed upon in cases of Forgery, he trusted it would be rendered a punishment to be dreaded. Those who committed Forgery were ordinarily of a higher rank than the majority of other offenders: they were persons sensible to the pleasures of society, and in the habit of enjoying amusements: and the House ought to take away from them those pleasures and amusements which formed their enjoyment, and the extravagant use of which probably led to their crimes. He could not dissent from the observation that doubts might be fairly entertained, whether, in a great commercial country like this, the punishment of death in cases of Forgery could be safely done away with. At the same time he admitted the great disinclination which every man who was a sufferer by Forgery felt at prosecuting a fellow-creature for a crime, the punishment of which might be death; and that, he also admitted, made the subject difficult of decision.

Mr. *F. Buxton* said, the great object of punishment in cases of Forgery should be the protection of property; but there were hundreds of cases of Forgery which were not prosecuted, because the punishment was death, which would be prosecuted if the penalty were less: therefore, upon the simple principle of taking the most effectual measures for the protection of property, and not upon any vague idea of humanity, he was a friend to a mitigation of the present punishment. He had in his possession a Petition, signed by 400 individual Bankers, belonging to 200 firms, in which, on the principle of affording further and more efficacious protection to property, they asked for a remission of the punishment of death in cases of Forgery.

Sir *J. Newport* admitted, that transportation was a most unsatisfactory punishment in cases of Forgery, as not carrying with it, to the persons likely to commit that offence, those terrifying consequences which a punishment intended to prevent a crime of such magnitude should. Certainly the reluctance at present felt to prosecute would be removed if the punishment of death were abolished; and this would be a desirable object to accomplish; but the punishment substituted for that of death should be of a nature to deter men from the commission of the crime. In his opinion, no crime should be punished with death but murder, burglary, or offences involving a violation of property, accompanied by violence to the person. As matters now stood, in nineteen cases out of twenty, the law by its severity defeated its own object. Persons were deterred from prosecuting by the amount of punishment; and this being the case, and a probability of escape afforded, offenders over-calculated the chances in their favour, and were thus encouraged to commit crimes. Certainty of punishment, even though the punishment were comparatively light, had a much greater effect in preventing crime, than severity of punishment with a chance of escape. The reluctance of injured parties to prosecute, and of juries to convict, arose from the severity of the law, and led to an increase of crime.

Sir *T. Baring* thought, that Forgery was an offence which might be suppressed more effectually than at present, by what we were in the habit of considering inferior punishments,—transportation or solitary confinement for any great length of time. If so, the purposes of humanity would be attained, and crime checked. His hon. relative was mistaken in his opinion of the nature of transportation, which, however, he believed to have been formerly what was described. Transportation was then regarded by the lower classes as a change from misery to comparative enjoyment; but now the case was different: convicts were put to hard labour, and their condition was rendered anything rather than too comfortable. He believed that nine persons out of ten who committed Forgery escaped through the feelings of the sufferers, and their reluctance to enforce a severe law.

Lord *J. Russell* agreed with the hon. Baronet, that at present transportation was a punishment very different from what it once was, and thought it might be rendered a punishment of great severity. Certainly it was no sufficient excuse for a government to adopt the punishment of death, because it had not succeeded in making transportation severe enough. He was satisfied that, under proper regulations, it would be a more efficacious punishment for Forgery than the punishment of death. The argument of the hon. member for Callington, when he contended that we ought not to remit the capital punishment for Forgery, as we still retained the punishment of death for Sheep-stealing, presented no serious obstacle to the desired change. We could remit the punishment in both cases. He should support any measure that might be introduced with a view to mitigate the existing law.

Mr. *O'Connell* supported the prayer of the Petition, and stated, that he had been long of opinion, that the punishment of death should be abolished in all cases of offences unaccompanied by actual violence. He should give his decided support to any measure for the abolition of capital punishments in cases of Forgery.

The *Chancellor of the Exchequer* said, it had been stated that the severity of the law prevented prosecutions in cases of Forgery; but many persons might be deterred from the commission of the crime by apprehensions of the severity of the punishment. The effect might be injurious to property if the law were too suddenly relaxed. On this point he admitted it might be difficult to form a precise opinion, but the experiment would certainly be hazardous in a country where such a large amount of property was at stake. In his opinion, his right hon. friend (Sir R. Peel) acted wisely in proposing gradually to remit the punishment of death, first abolishing it as applicable to one class of forgeries, thus giving an opportunity to conjecture what might be the effect of withdrawing capital punishments in other cases of the crime, by observing the consequences of the mitigation in a single instance. This was the safest, and, he was sure, would ultimately prove the most humane course.

Mr. *Hume* said, if it were considered desirable, with respect to one branch of forgeries, to mitigate our sanguinary law, he could not see why we should make trial of one portion, and leave the other untouched. The mischief of our laws consisted in the uncertainty of punishment, arising from their unusual severity. He was of opinion, that the punishment of death should not be inflicted except for murder or treason, which latter crime might involve many deaths. The right hon. Gentleman, who had effected so many improvements in the criminal law, ought to carry the principle still further. If evil should arise from a mitigation of the present system, we had the power of reverting to the plan of severity. In America capital punishments were inflicted only in cases of murder. Let Gentlemen inspect the calendars of crime in that country, and it would be found that America was infinitely above us in point of freedom from offences,—a powerful argument in favour of a merciful code of laws. He hoped the House would support any measure that might be brought forward to lessen the sanguinary character of laws which were a disgrace to the country.

Mr. *Lennard* observed, that the right hon. Gentleman had only to look at the petitions proceeding from the monied interests which had been presented in favour of the abolition of capital punishments in cases of Forgery, in order to see how ill-grounded were his apprehensions. The right hon. Gentleman spoke of the hazard of relaxing our present system, but did he perceive no danger in statements being made, as they had been, and would be, on the part of bankers, expressive of their determination not to prosecute in cases of Forgery while the law continued in its present state? Was there no danger that such declarations and such a practice (both growing out of the severity of our code) might increase the crime of Forgery? He thought that the statement made by the Lord Advocate furnished an argument in favour of a mitigation of punishment. The learned Lord said, that during twelve years, the crime of Forgery had not increased in Scotland; and he also stated, that although the punishment of death in such cases nominally existed in that country, yet that it was, in point of fact and practice, abolished. Did this state of things furnish any grounds for apprehensions, that the monied interests would be less protected than at present, if capital punishments in cases of Forgery were abolished? He had no doubt we might substitute a more effectual preventive for the crime of Forgery than was afforded by the punishment of death. He should have a variety of petitions to present on the subject, calling for the abolition of capital punishment, and he had received letters from many bankers, expressive of their disapproval of the existing system.

Mr. *M. A. Taylor* said, that the present law was equally impolitic and inhuman; it prevented prosecutions and encouraged the offence. Whenever a motion should be made to do away with capital punishment he should support it.

Mr. *Warburton* said, the present law was decidedly bad, because it was contrary to the feelings of the people; even bankers would not carry it into execution. There was a committee of bankers established, before which, every banker who was a member of it was expected, as a matter of duty, to bring all forgeries that might be committed upon him, in order that the culprits might be prosecuted, but he knew that bankers did not act up to the spirit of this regulation, and why did they not? It was because the punishment was too great. Every day's experience proved, that the law as it stood was bad. It was the certainty, not the severity of punishment, that prevented crime.

Sir *Charles Forbes* expressed his concurrence in what had fallen from the Lord Advocate as to Scotland, and begged leave to take that opportunity of expressing his approbation of the manner in which that learned Lord executed the duties of his office.

Mr. *Robinson* said, that it was the opinion of merchants, bankers, and others most interested, that the law did not afford protection to the banker and commercial man,—because the severity of it prevented prosecutions. For this reason, if for no other, the severity of the law ought to be mitigated.

Mr. *Marryat* knew from observation and personal experience that the severity of the punishment prevented prosecutions in nine cases out of ten. The case of the bankers was a hard one. Their feelings would not allow them to prosecute while the penalty of the offence was death; and thus they were without protection against this dangerous crime of forgery.

Mr. *Brownlow* said, that he concurred in what had been stated in favour of the abolition. He had a Petition to present from the Bankers of Belfast, who expressed similar opinions. They stated that they had a great interest in preventing the crime of forgery, but that in consequence of the severity of the punishment, they were prevented from prosecuting. Thus the law afforded no protection whatever to property.

Petition to be printed.

INTERMENTS IN THE METROPOLIS.] Mr. *Spottiswoode* said, that he had to present a Petition respecting the present mode of Interment in the Metropolis. It was from George Frederick Carden, Barrister-at-law, of the hon. Society of the Inner Temple. The petitioner stated the number of interments annually in the metropolis to be not less than 40,000, and described the places of sepulture as offensive to public decency and dangerous to the health of the people. Any hon. Member who had visited the burial grounds of the metropolis would agree in the correctness of this description. The petitioner went on to state many other things respecting the system of interments now practised in the metropolis, which were deserving of attention, but with which he would not trouble the House, as he intended to move that the Petition be printed. He would however add, that since the Petition had been put into his hands, other cases had been mentioned to him. The burial grounds of a chapel in Fetter Lane, of St. Mary Abchurch, and of St. Giles's church, were all offensive and dangerous nuisances. With respect to the latter, he found that an able and intelligent officer of the House, Mr. Luke Hansard had, in his evidence before the Select Vestries Committee, described the St. Giles's church-yard to have been a nuisance from time immemorial, and shown that Pennant spoke of it as such. The petitioner prayed that a committee should be appointed to inquire into the evils of the present system of interment within the metropolis, and to take into consideration the plan proposed by the petitioner, of establishing a general cemetry without the metropolis. For his own part, he was convinced of the necessity of some alteration, but he thought committees of that House were more remarkable for blaming abuses than for remedying them. He should content himself for the present with moving that the Petition be printed, in order that all Gentlemen might read it, and he should consider what would be the best mode of proceeding.

Lord *Lowther* agreed with the petitioner as to the impropriety of the present system. In St. Martin's church-yard, the only place over which he had any control, he had had catacombs dug under ground, and he hoped to see the example followed in other places.

Mr. *Protheroe* said, it would have been better if the noble Lord had removed the burial-place out of the metropolis altogether.

Lord *Lowther* admitted that the suggestion of the hon. Member would have been a greater improvement, but he had not power to make it.

Mr. *Hume* said, that there ought to be an Act prohibiting all burials in the metropolis for the future. Decency and the health of the inhabitants called for such a measure.

The Petition to be printed.

Fluctuation of Employment among Manufacturers.] Mr. *Slaney*, in bringing forward, pursuant to notice, his Motion for a Select Committee to consider the means of lessening the evils arising from the Fluctuation of Employment amongst manufacturer, said, he should have been much surprised at the thinness of attendance, if he were not aware of the character of the House. He knew the subject was not a pleasant one, and he must throw himself on its indulgence while he went into some details. If they looked to the humble portion of their fellow-countrymen, they would see them divided into large classes—both distinct from each other, and both in their present situation demanding the attention of the Legislature. The first of those, the agricultural class was affected by circumstances entirely distinct from the circumstances which affected the second; and the agricultural labourers of the south were in quite a different situation from those of the north of England. Incidentally he might observe, that the people of the south were some time since in a worse situation than at present; and he hoped they would speedily improve, and be in as good a condition as their brethren of the north. Before he should proceed to consider the situation of the other great class, the manufacturers, he begged to say that he feared there existed, with respect to them, some prejudice, some fear, lest the manufacturing class might be extending too far; but if those who indulged such a prejudice would only allow themselves to take a large and liberal view of the interests of society, they must perceive that the interests of both classes were closely united—that they were inseparable, and that the advancement of one must always depend upon the success of the other. For the purpose of establishing some of the positions for which he contended, it would be necessary for him to enter somewhat into detail. He should begin by calling the attention of the House to the relative amount of the agricultural and manufacturing population at different periods, and in different parts of the kingdom. In 1801, the manufacturing population was to the agricultural as six to five; in 1821, as eight to five; but in 1830, they became as two to one; thus, in England, the difference was at one period as two to one, and at another as six to five. In Scotland in 1808, they were as five to six; in 1821, as nine to six; in 1830, as two to one. During the last twenty years, the population of the country generally had increased thirty per cent, the manufacturing population forty per cent. In Manchester the population had increased fifty per cent; Liverpool fifty per cent, and Coventry the same; Leeds fifty-four per cent; Birmingham fifty per cent, and Glasgow 100 per cent. That was an increase equal to what might be found on the most recent settlements and the richest soils of North America. As the population had increased thirty per cent, and as the people generally were better off than formerly, so there was reason to believe that the capital of the country had increased at least thirty per cent. As an evidence of the extent to which trade and manufactures were carried, he would remind the House, that while the average annual importation of cotton in 1813 amounted to 79,000,000 pounds, in 1829 it amounted to 220,000,000 pounds. The importation of wool in 1813 was 7,000,000 pounds, and in 1829 it was 27,500,000 pounds. During that time the increase of machinery had been without example. Great as was his sense of the services of the noble Duke who had conducted the military operations of the country, still, if he were asked to name the person to whom England was most indebted in bearing up against nearly all Europe, he should say that James Watt was that person. The suggestions of Watt in the use of steam had been productive of incalculable benefit to the country. In 1814 we had eleven steam vessels, and the number of tons was 542; in 1828, we had 338 steam-vessels, and the number of tons was 30,000. Thus, in the space of fourteen years, the steam-vessels had increased thirty-fold in number, and sixty-fold in tonnage. Another fact connected with the manufacturers was, that a very large portion of them were unrepresented in that House, and this gave them a strong claim on the attention of Parliament. He hoped, however, that the motion of which the noble Lord (Lord John Russell) had given notice, might have the effect of relieving them from that disadvantage. It was not so much the depression of trade which he meant to bring before the House as the occasional fluctuations to which manufacturers were exposed—fluctuations which at one time, by raising the price of their labour, led them to riot and extravagance, and at another, by greatly depressing it, led to want and to crime. It became the more necessary to consider the situation of the manufacturers at present, because, till within a few years, this country had enjoyed almost a monopoly of the trade of the world, though now, owing to a combination of circumstances, it was gradually losing that. This monopoly was nothing more than a monopoly springing from the freedom of the country, which had promoted the growth of industry, and everything connected with industry, more than any other circumstance. We now had opposite to our shores two great countries, which were in most respects copying our institutions, and in which manufactures were greatly encouraged and protected. He did not state this as a reason for jealousy, but for the purpose of showing what necessity there was for this country being alive to its situation. The fluctuation of the employment of our manufacturers arose from two or three causes. One of the causes was the vast improvement in machinery; not that he intended to say that this would not finally benefit the manufacturing labourers, but, at all events, at present it was acting to their injury. To show this he might state, that the number of hand-looms now was much the same as it was in 1820, being about 240,000 in England and Scotland; but during this period power-looms had been greatly on the increase. In 1820 the number was 14,000, while now it amounted to 55,000. Each power-loom might be calculated as about equal to three hand-looms. The number of power-looms in 1820, therefore, might be calculated as equal to 42,000 hand-looms, while the number now was equal to 165,000; so that, taking it in this point of view, there had been an increase since 1820 of 123,000 hand-looms. He did not state this as a matter of complaint, but only to show that labouring weavers must at present be suffering from the circumstance—for he might express his own opinions in the words of an eminent author on the subject, who had said, that "machinery brings into exercise the intellectual power of man, while hand-labour only exercises the mere animal force;" and certainly one great advantage of machinery was, that it enabled women and children to take part in providing for the wants of the family. But besides this, an extraordinary change had taken place in the locality of many of our manufactures. Since steam-engines had been so much used, it had become the interest of the proprietors to fix their works where there were coal-pits. The woollen manufactures that had formerly abounded in the southern part of the country, had now found their way to the north. In addition to these reasons, fashion often made a great alteration. Cottons, for instance, had to a great extent displaced woollens; and linens and silks had changed places in the like manner; all which changes, of course, had been felt in some quarters. It had been stated, that the manufacturers of Worcester had been injured by the introduction of certain foreign goods which had formerly been prohibited. He, however, had had an opportunity of conversing with those who were intimately acquainted with the trade in that part of the country; and the reason given to him for the great depression there was, the change which had taken place in the fashion with respect to gloves. A few years ago, the general wear had been beaver gloves, which were manufactured out of sheep skins; but subsequently the whole demand had been for kid gloves, which were manufactured out of lamb, goat, or kid skins, chiefly imported from abroad. From returns which he held in his hand, it appeared, that in 1820, the manufacture had amounted to 182,000 dozen pairs of gloves; in 1825, the number was 430,000 dozen: in 1826, when the admission of foreign gloves first commenced, a slight decrease took place, the amount being only 389,000 dozen: in 1827, however, in spite of the importation, amounting to 56,000 dozen, the manufacture rose to 576,000 dozen: and in 1828 (the last return he had), in addition to an importation of 95,000 dozen, the gloves manufactured at home was 669,000 dozen pairs. It appeared, then, from these returns, that since the trade had been opened, the manufacture had greatly increased. An illustration of this change of fashion might be cited, in what probably some of the older Members of that House might remember—he meant the change from shoe-buckles to shoe-strings. At that time, the alteration was so much felt, that the Birmingham manufacturers remonstrated, but the complaint was wisely answered by observing, that if the Legislature prevented the use of shoe-strings, it would be injuring Coventry for the sake of Birmingham. Other changes, such as political and commercial changes, were also important and worthy of observation, inasmuch as they had a considerable effect upon the happiness of the manufacturing classes. In the years 1827–8, the export of cottons amounted to 17,500,000*l.*; of woollens, 5,250,000*l.*; and of hardware, 2,500,000*l.*; or 25,000,000*l.* altogether. Germany and the Netherlands alone took 4,200,000*l.* worth of cottons, and the United States 2,500,000*l.* He only mentioned this to show that the trade of this country was more vulnerable now than it had been formerly; and his argument was, that against such an attack upon the trade of the country the Government ought to provide, by affording the manufacturer every fair facility that was practicable with the general interests of the country. He did not mean that the Government should force any measures on the manufacturers, but it ought to facilitate to them the means of preventing fluctuation of employment. In touching upon this part of the subject he would take the practical example of Benefit Societies. The principle of those societies was, to insure their members against illness, old age, or any other natural contingency; and it was his intention to propose to the House the appointment of a Select Committee for the purpose of inquiring whether it was not practicable to extend the same privileges to the humbler classes of society, as a provision against other sorts of contingencies, which were no less continually occurring. To shew the number of persons exposed to these fluctuations he would refer to the cotton-trade. The returns of our cotton manufacturers showed more completely than any circumstance the triumph of freedom over mere natural advantages. In the case of cotton, the raw material was first brought over to this country from America, and, after having manufactured it, we were able to send it back again to its original country, and actually undersell the native manufacturers of that country at its own doors. The value of raw cotton imported into this country amounted to five millions sterling per annum; the manufactured article was worth fifty millions; and the quantity exported was worth nearly twenty millions. Now

Manchester might be taken as the centre of that manufacture; and within a circle of thirty miles in diameter, with that town for the centre, there were about half a million of persons engaged in the cotton trade; and the rate at which they were paid showed that they were capable of insuring themselves against the changes which he had already pointed out. Of this half million, one-fifth (all of whom were men) earned 20*s.* a week; a second fifth, consisting of men and women, earned 12*s.* a week; a third fifth, 7*s.* a week; and a fourth fifth, 2*s.* 6*d.* a week; and these four-fifths among them supported the old and infirm, which constituted the last fifth. The whole of their wages was earned by piece-work, and paid in money. Scotland did about one-seventh of the whole of this manufacture, and the proportion performed by that country was continually on the increase. He had made inquiries upon the subject, and had been told that the habits of many of these persons were prudent as well as industrious; though there were others whose behaviour was different. He might also state, that the condition of these persons was better than it had been at the commencement of the present century; of course he did not speak to any particular moment of time, but on a general average of a certain number of years. Now all these persons, amounting to no less than half a million, had no funds for their support when they were thrown, by any unfortunate run of circumstances, out of employment. Next let the House look at the woollen trade, the export of which was five and a quarter millions. In this trade there were, within the district of Leeds, twenty thousand persons employed, and this number might be divided into three classes:—the weavers, who earned 14*s.* a week; the spinners, who earned 21*s.* a week; and the dressers, who earned 21*s.* a week. All these persons worked for twelve hours, on six days in the week, and were paid in money: the weavers and spinners by the day, and the others by the piece. Besides these, the women were able to earn 6*s.* a week, and the children a smaller sum, in proportion to their ages. But unfortunately, among these classes, the whole of their earnings were expended, and they had no fund to go to when they found themselves in distress from the want of work. He would then mention hardware; and in this trade the town of Birmingham was mainly engaged, which had often gone by the name of the toy-shop of Europe, and which might still claim that title. In that place the manufacturers worked ten hours in the day, and six days in the week, their labour being all done by the piece, and paid for in money: the working classes there, however, were very improvident, and seldom had any provision against a slackness in work. At Sheffield, where the finer sorts of cutlery were produced—such as table-knives, pen-knives, pocket-knives, scissors, razors, and files, with edged tools, &c.—a vast deal of ingenuity and sub-division of labour was effected. There were three sorts of workmen mainly employed, whose wages respectively were 25*s.*, 20*s.*, and 16*s.* With respect to Wolverhampton, where the manufactures were of a coarser sort, the Germans and the Flemings were already beginning to compete with the manufactures of that town, greatly to the disadvantage of its trade. The American tariff had likewise operated greatly to its disadvantage, and was very severely felt there. From what he had stated it would appear, that the wages of these classes were sufficient to enable them to lay by a provision against a want of work. What possible objection, then, could there be, to give facilities to them in that respect, by extending the privileges that already belonged to Benefit Societies? With this feeling he intended to propose the appointment of a committee, for the purpose of practically considering how far the principle of those societies could be extended. The clause in the 10 Geo. 4th, c. 56, which he would extend, was this: "It shall be lawful, by subscription or otherwise, to raise funds for the relief and maintenance in sickness, infancy, advanced age, or any other natural state or contingency whereof the occurrence is susceptible of calculation by way of average;" and this he proposed to extend to the contingency of occasional want of employment. He knew that objections would be made to the course which he was proposing, and that perhaps it would be said that such facilities would be used by the manufacturing classes for the purpose of combination, and of raising their wages. Now he had turned his particular attention to that point; and it seemed to him that such an objection might be greatly removed by certain rules and regulations to be recommended by the committee. The case, too, was very different since the Combination-laws had been removed. There were no Combination-laws now in force, except in cases of violence or intimidation. It had been given in evidence in the committee of which the hon. Member for Montrose was the Chairman, that the Combination-laws had always tended to increase combination; and it certainly was clear, that in proportion as funds were provided by which the manufacturing classes might be saved from distress, they would become more tractable. Two of the great causes which had formerly caused fluctuation in wages were now removed—the one was the alteration which had taken place in the currency, and the other the sudden changes in the price of food. With respect to this latter he might observe, that from the year 1795 to 1820, the variations in the price of corn were so great, that in one year it was frequently three times as dear as it had been in the preceding year, and then, in the course of the next year, the fall was as sudden; and as corn was one of the chief articles of consumption to the manufacturer, the consequence of this was, that the same wages would not always procure the same articles of comfort and support. But now no such fluctuations were likely to take place in the price of corn, and therefore there was no danger of the manufacturer suffering in that way. By some of the trades of London the insurance system was carried to a state of great perfection. This was the case with the tailors in particular; among whom it was so managed, that when they were out of work, they were put on an allowance, by which they were kept from distress. A somewhat similar system existed among the carpet weavers and paper-makers of Kidderminster, but it was not nearly so perfect as the one to which he had already alluded. When these persons were out of work, they had travelling tickets given them, which entitled them to receive a small sum in every town they passed through, on condition that they did not appear there again for three months; and on coming to London they got 5*s*. with a bed for two nights, and two pots of porter. But no others of the manufacturing classes had any such provision, and in the event of being out of work they were left entirely destitute. In addition to this, the way in which things were managed, when the trade was bad, was highly disadvantageous to them The price of their labour was lessened, and the quantity of work increased in proportion; the effect of which was, that the manufacturer extended his labour from twelve to sixteen hours a day, in the hopes of increasing his pittance, from which circumstance more was produced, the market soon became overstocked, and the low prices were confirmed for a much longer period of time. An instance of this might be seen in the manufacturers of Wolverhampton, who worked sixteen hours in the day, and only obtained the merest pittance. To so great an extent was this the case, that he had been told that excellent currycombs were sold there for a penny a-piece. In conclusion, the hon. Member observed that it would be prudent, as well as wise, for the House to extend its care to the classes he had mentioned. They were the sources of our power, and would yet be a mine of wealth to the country, if they could only be brought to employ that forethought which raised the middle classes so high in the social scale. He would trouble the House with but one observation more, and that related to the effects of intelligence in making the workmen obedient. He had consulted several manufacturers on this subject, and he had received the same testimony from them all; in particular he had the authority of Mr. Kirkman Finlay, whose experience was perhaps equal to that of any man—he had his authority to assert, that just in proportion as the condition of the workmen was improved—just in proportion as they became possessed of knowledge and of facilities for obtaining information—just in proportion as they acquired habits of forethought and prudence—just in that proportion had he and other manufacturers found them tractable, obedient, and industrious. The hon. Member concluded by moving, "That a Select Committee be appointed for considering means to lessen the evils arising from the Fluctuation of Employment in Manufacturing Districts, and to improve the health and comfort of the Working Classes dwelling in large Towns."

Mr. *Marshall* seconded the Motion. He did not anticipate all the benefits from it that his hon. friend expected, but he thought at least that some valuable information might be obtained. He was happy to say, that the average wages of workmen in the manufacturing districts were now as great as at any former period, and that, on the whole, their condition was very much improved.

Mr. *Cripps* said, he did not mean to enter into the subject at any length, and he should detain the House but a very few minutes by his observations. He did not rise to throw cold water on the hon. Member's Motion, but to guard the House against supposing that the plan of the hon. Member would be as advantageous as he supposed. He admitted readily, that nothing was more beneficial to the working classes than Benefit Societies, and he could say that he had, on many occasions, witnessed the advantages they had conferred on the members of them. But the House was aware that many benefit societies had been destroyed, by not acting on the recommendations of an hon. Member below him, in becoming enrolled. When the hon. Member, however, assumed that the House might look to the extension of the principle of such societies, to equalise the fluctuations in trade, he was afraid that the difficulties would be far greater than the hon. Member expected. He wished that the committee might find men with an amount of earnings sufficient to subscribe to such funds. The hon. Member had stated correctly the earnings of several classes of workmen, but they seemed to him so moderate as to preclude the workmen from making those weekly allowances which were necessary to support a Benefit Society. At present the wages of workmen were extremely low, and it was impossible that out of their scanty earnings they could raise, by weekly subscriptions, a fund to support their brethren who might be out of employment. The amount necessary for that could hardly be calculated, but it would certainly be beyond their means. The hon. Member had alluded to the southern counties of England, but he could not be blind to the difference between them and the northern counties. He could not suppose, looking at the situation of the people in the southern counties since 1825, that it would at any time have been possible for the workmen to club 6*d*. a-week for the support of their fellows out of employment. All that the workmen in employment could contribute would be only a drop in the bucket to support the workmen out of employment. If 10,000 or 12,000 men were out of employment in one district, what could the club do? If indeed the workmen were capable of supporting themselves, they might make themselves independent of their employers. This, according to the information laid before the House, already happened with the tailors. They earned more money than any other class of workmen. No people had such high wages. They could afford to subsist each other when out of work; and what was the consequence? Why they did subscribe; not, however, to keep tailors from the parish, but to get what they called sufficient wages for themselves. In guarding against one evil it was necessary not to run foul of another. Suppose that wages were so high as to enable the workmen to support each other in idleness if they did not choose to work for a season, or if they would not work unless they received 4*s*. or 5*s*. a-day, could that be considered an advantage? They might employ their funds to keep up wages, not to prevent fluctuations. He could not say that it would be desirable to have Friendly Societies with such an object in view. He had no doubt that the hon. Member intended to do good—he gave him credit for his motives, but there were so many difficulties belonging to the subject, that he was not warranted in expecting so many advantages from his proposed committee.

Mr. *Robinson* only rose to say a word on a subject connected with the town which he represented. The hon. Member stated the quantity of gloves before and subsequent to the change in our commercial policy, when the prohibition to import gloves was removed. The hon. Member had stated that more gloves were made since than before. He wished to know whence he obtained his information. There were statements laid on the Table which informed the House what quantity of gloves was imported or exported, but he did not know how the hon. Member could have ascertained what quantity was made. He wished to be informed how that information was obtained. The hon. Member had stated, that it was fair play to the glove-trade to let in foreign-made gloves. He could understand that it might be expedient, that it might be good policy, but he could not understand how it was fair play. He could not understand why the glove-trade was to be estimated by the quantities made, and other trades were to be estimated by the price of their produce. If the principles of Free Trade were to be acted on, why were they not extended to corn as well as gloves? But the corn-grower was protected, so as to obtain a good price for his commodity; it was considered sufficient for the glove-maker that he made a great many pairs of gloves. Other interests were estimated by quantities. The corn-grower was protected by price. He could account for the increase in the quantity of gloves made; it was owing to their cheapness. Gentlemen now probably wore two pairs of gloves when formerly one pair was thought sufficient. But that fall of price, which was advantageous to the wearer, came out of the profits of the manufacturer and the wages of the labourer. He knew that the hon. Member had been at Worcester, and he had no doubt that he had taken great pains to obtain correct information; but he was afraid that the hon. Member had got his information concerning the glove-trade from the factors and dealers in gloves, and not from the manufacturers. They had an interest in selling a great many. He believed that the information concerning the silk-trade had been derived from the same class of persons. That accounted, too, for some of the discordant statements made to that House—some of them being derived from the factors, and others from the manufacturers. The factors stated that the trade was flourishing, while the manufacturers, who had a different interest he admitted, stated that the trade was not paying them. He did not mean to enter further into the subject, but thought it necessary to say so much with a view of obtaining the information he desired from the hon. Member.

The *Chancellor of the Exchequer* said, he entertained some doubts as to the utility of the results of appointing the proposed committee. His doubts were as to the advantages of the hon. Member's plans, but he supposed the committee might be a means of obtaining some very useful information, and with that view he should not oppose the Motion. He could not hope that the object of the hon. Member would be accomplished, but he hoped to obtain through the committee some valuable information. In admitting the advantages of Benefit Societies, he had some doubts whether they could be so extended—which was what, he believed, the hon. Member meant—as to meet all the fluctuations in trade. That was an object he was afraid it was not possible to obtain. As far as these societies were now constituted, they were intended to assure individuals, by small subscriptions, when they had any superfluous money, against periods of difficulty and distress, which might be a matter of accurate calculation. It was possible to calculate the average quantity of sickness and distress among a number of persons within a given time, and such calculations were accurately made; and then it was possible to calculate the average payments which would provide against these casualties, and preserve the funds of the society. To apply these principles to the fluctuations of trade, and call on the labourers to contribute small sums when they were fully employed, so that they might be maintained when they were not employed, was, he was afraid, not possible, because these fluctuations were not susceptible of calculation. The calculation of probabilities could be applied to Friendly Societies; the principles on which these calculations were founded were invariable; but that could not be said of trade. Another difficulty was, that Friendly Societies being intended to provide against sickness, the assistance they supplied was limited to parties actually needing it; but that principle could not be applied to the fluctuations of trade. Perhaps the hon. Member's system might be applied if the great majority of manufacturers were situated together, so that the deficiencies or want of work in one might be compensated by much employment in another. But it was well known that our different manufactures were limited to different places, and were not mingled together so that the superfluous funds in one might supply the want of employment when it occurred in another. The fluctuations operated on all the persons engaged in the same trade at the same time, and generally involved so great a number in distress, that it would be impossible to provide for them by the means proposed by the hon. Member. Another difficulty, he believed, would be found to arise from the impossibility of telling whether individuals were unwilling to work, and idle, or could not get employment from the fluctuations of trade. The hon. Gentleman would have many difficulties to encounter, and some evils to provide against, which he was afraid would render his wishes abortive. As he felt anxious, however, to elicit any information which could be obtained concerning the manufacturing classes—though, on considering the subject, he did not expect such a favourable result as the hon. Member expected—he should not oppose the appointment of the committee.

Sir *George Phillips* said, that though he could not hope to obtain the same advantages from the committee as the hon. Mover, he did not mean to oppose the Motion; but at the same time he looked upon Savings Banks as more likely to be beneficial to the working classes than Benefit Societies. What they could place in the Savings Banks they could at all times look on as their own; it belonged to themselves, and they were encouraged by that consideration to take care of it. He was happy to confirm the statement of the hon. member for the county of York (Mr. Marshall), that the people employed in factories—and there was a general tendency to employ all the manufacturers in factories —were much better off than those not employed in factories. He believed, too, that he might state that the workmen employed in factories were a great deal better off than workmen were thirty or forty years ago. Owing to the great quantity of machinery now employed in our manufactures, the workmen were continually employed, for the necessity of keeping the machinery at work compelled the manufacturer to employ his men. At present he believed too that the workmen were generally employed at full wages. The hon. Gentleman opposite said, that it was impossible that the men in the manufacturing districts could contribute anything to such a fund; but at present he believed the manufacturers were not in so bad a condition as the hon. Member supposed. He had visited Lancashire during the holidays, and had learned, both from observation and information, that wages there had lately risen, and that few persons were out of employment.

Mr. Alderman *Waithman* said, that the House appeared fond of meddling with what did not concern it, and of neglecting what it ought to perform; it would not grant a committee to inquire into the distress which was complained of in so many petitions; and as the House would not inquire into the truth of the allegations in these petitions, he should look on a committee appointed on this Motion as a mere delusion. It could lead to no good whatever.

Mr. *Slaney*, in reply, said his account respecting the gloves was derived from Returns of the quantity made. His only intention was, to extend the advantages of Benefit Societies, so that workmen might be enabled to provide against the fluctuations of trade. The right hon. Gentleman was mistaken in what he said of the trades not being mingled together in one town. In Sheffield, Birmingham, and other large towns, a great many different trades were congregated together, and it rarely happened that they were all depressed at the same time. If one was depressed another was flourishing. It was said, when Benefit Societies were established, that the scheme was Utopian; but at present they numbered upwards of 1,000,000 members. When Savings Banks were first thought of, it was said they never could answer, but at present there were 16,000,000*l.* invested in them. When he saw these encouraging facts before him, when he recollected from what small beginnings these two things had grown up, he could not doubt but that the principle of Benefit Societies might be extended, and provide for those fluctuations in trade which caused such great distress.

Committee appointed.

TAX ON COALS.] Mr. *Spring Rice* presented a Petition from St. Mary's, Dublin, against the Duty on Coals imported into Ireland. The hon. Member then proceeded to say, that in making the proposition which he should submit to the House, he had the satisfaction of knowing that it was a proposition which, though advantageous to Ireland, and meant to be so, would also be a great benefit to England. He considered that the increased consumption of coals which would take place in Ireland if the duties were removed, would be no inconsiderable benefit to the coal districts of England. To Ireland the remission of the duties would be a great relief. He begged leave to remind the House that he had cheerfully voted for those reductions of taxation in England which the Chancellor of the Exchequer had proposed. He rejoiced in those reductions; and he had even voted for the reduction of some taxes, as that on Salt, which it was supposed the interest of Ireland required should be maintained. His proposition, he would also remind hon. Gentlemen, would not deprive the Revenue of any great sum. The amount of revenue raised by the tax on coals in Ireland did not exceed 50,000*l.* or 60,000*l.*, but that did not express the amount of the inconvenience it imposed. It was the same with that particular tax as with all taxes—it imposed a very great number of inconvenient restrictions, which were felt to be far greater evils than the amount of the tax. If the tax were removed, it was impossible to say to what extent trade might be increased. There was a want of return cargoes from England, and it could not beforehand be known how much manufactures would be augmented in Ireland if there were no tax on Coals. In particular, the increase of distilleries would promote very much the increase of the consumption of Coals, and giving freedom to the coal-trade would very much promote the manufactures of Ireland. He contended, that this tax put a restriction on industry generally. He admittted the repeal of it rested on similar grounds as that in England would; but there were peculiar circumstances connected with the pressure of this tax in Ireland. There it obstructed the play of all the springs of productive industry, and consequently, more injury was inflicted on the country, than could be possibly compensated by the return to the Revenue. Thus he rested his argument on the grounds of general policy. Scotland, he remarked, had Coal of its own, and there was no duty on it. There was no Coal in Ireland, and therefore how much harder was it that the people there should be called upon to pay a tax upon this necessary? There were now 7,000 persons unemployed in Dublin. The repeal of this tax would be of the greatest use in alleviating the pressure of the distress now prevailing there. He knew that there was one woollen manufacturer who would increase his establishment by 1,000 men, if the tax were removed; and if one-seventh of the whole number of men unemployed were thus relieved by a single person concerned in the woollen trade, what might not be expected from the increased activity of all the other trades carried on in that capital? The question was one, too, that affected the interests of England; for the number of Irish paupers who, it was so loudly complained, thronged the shores of Britain, were much increased by the pressure of this tax. He thought, too, he had a right to complain, that while 3,000,000*l.* of taxation were taken off in England, at least 100,000*l.* additional taxes should be imposed on Ireland. He contended, also, that the amount of this tax was so trifling, that it might be removed without any great loss to the Revenue. It was only 50,000*l.*; the Chancellor of the Exchequer said, 73,000*l.*, and he proposed an equivalent for it—economy in the Irish establishments. He was convinced that if Gentlemen would apply themselves with care and assiduity to the Irish Estimates, they could reduce more than the amount of this tax. The hon. Gentleman concluded by moving for a "Committee to consider the Acts respecting the Coal Duties in Ireland, with a view to their Repeal."

Lord Killeen seconded the Motion.

The *Chancellor of the Exchequer* regretted that he was obliged to oppose the Motion. There was no disposition upon his part to create an unequal pressure of taxation in Ireland, but there were peculiar circumstances which compelled him to adopt the course he had proposed; and looking at the general pressure of taxation on the country, he did not see what other he could have pursued. And, taking this tax, as affecting the two portions of the United Kingdom, he found that in Ireland it was only 1*s.* 10*d.* a bushel, while in England it amounted to 4*s.*; consequently, if repeal were applied at all, it would appear but fair to apply it to the greater burthen. He admitted that Scotland had been relieved from the Coal-tax, and he admitted the validity of the argument founded on this; but he asked, how would the repeal of this duty also in Ireland operate on the Coal consumed in England? Would not England then have a fair claim to demand the repeal of the tax, as well as the other two countries? Therefore the House were not to look to the small revenue in Ireland, but to the whole tax on Sea-borne Coal, which exceeded 800,000*l.* per annum. He accordingly put it to the House, if, after the relief he had already afforded, he could, with any regard to the obligations of this country, grant the repeal of that tax to Ireland, when he considered what consequences it would entail? In answer to the hon. member for Limerick's remarks about economy in the public establishments, he had to observe, that Ministers had already determined upon all practicable economy, and in his financial statement he had taken credit for it. Enough too, had been already done in the way of reduction to make this economy decidedly necessary. He did not think that the tax was any violation of the Union and he should oppose the Motion.

General *Gascoyne* supported the Motion. The tax was originally intended only to be a war-tax, and as it was most partial and oppressive it ought to be repealed.

Mr. *Warburton* also supported the Motion, and said, that a tax on Canadian timber, which would be just and proper, and would yield 1,500,000*l.* to the Revenue, might enable the Government to take off the tax on Coals. By the heavy duties now levied on Baltic timber, the community was obliged to consume a bad article at a high price.

Mr. *O'Connell* supported the Motion. There was no tax the repeal of which would give so much relief to Ireland. It had been promised at the time of the Union to repeal this tax, and that ought now to be done, if it were wished that the Union should be advantageous to both countries. He called on the House to answer this appeal of the Irish people, and show that those were calumniators, who said that the House had no sympathy with the distresses of the Irish.

Mr. *Baring* wished to hear no more of the proportion of taxes to be paid by England and Ireland, than to be paid by Yorkshire and Kent. The only consideration for the House was, to raise the necessary Revenue with the least possible inconvenience. He would support the Motion, because, from the smallness of the amount, the repeal of the tax would not be unfair towards England, and it would confer a great benefit on Ireland. The introduction of steam into manufactures had made Coal indispensable in almost all branches of manufacture, and the condition of Ireland could not be improved by becoming a manufacturing country, unless she had free access to the market for Coals. He presumed that the Chancellor of the Exchequer would have some difficulty in passing his Beer-bill, and therefore he would recommend him to change it to a Coal-bill, abolishing the whole duty on Sea-borne Coal, which should have his hearty support.

Mr. *George Moore* hoped, that if the Chancellor of the Exchequer would not repeal the tax, he would, at least, exempt from duty all coal used in manufactures.

Mr. *E. Wodehouse* regretted that the Government would not accede to the Motion. The tax could not be supported by argument, and he should bring the general subject forward on a future occasion. The continuance of the tax on Coals in its present form was equally discreditable to the statesman, and injurious to the interests of the country.

Lord *Milton* differed, with the greatest regret, from the hon. member for Callington, and could not but think that, however the price of Coals might be diminished to the consumer, it could never be so much reduced as to enable people to establish manufactories in other parts of the kingdom than those which were at a moderate distance from the place where the Coal was obtained. He could not but view this question differently from some of the hon. Members, for, in his opinion, a tax on Sea-borne-Coals was a tax on an article of commerce; but a tax imposed on Coals at the pit's mouth would be a tax on a necessary of life, and on one which the people in the Coal districts had immemorially enjoyed at a very moderate price. Any person acquainted with the manufacturing districts, must see at once how heavily such a tax would fall on the manufacturers. The tax on Sea-borne-Coals did not amount to more than one-eighth or one-ninth of the price of the article, and the repeal of that tax would not so much benefit the people as would the reduction of some other taxes, which, though they hardly produced more to the Revenue, were more oppressive in their operation upon the people.

Mr. *P. Thomson* regretted that he was obliged to oppose the Motion of his hon. friend; but he could not avoid doing so when he observed that it was a Motion which went to benefit one class or body of the people at the expense of another. If the measure had been more general—if it had been for the repeal of the duty, not in one, but in all parts of the kingdom—it should have had his support; for he considered that policy and expediency, as well as justice, called on them to abolish a duty which the manufacturers along the whole eastern coast of England felt was one that disabled them from a fair competition with the foreigner.

Lord *Castlereagh* was aware that the Coal-tax was very unpopular in Ireland, but the Chancellor of the Exchequer entertained certain projects, with regard to Ireland, which were still more unpopular than the Coal-tax. In the hope that by allowing that right hon. Gentleman to retain the Coal-tax, he would not push his equalizing measures of taxation through the House, he should vote against the Motion of the hon. member for Limerick.

Sir *T. D. Acland* supported the Motion most cordially. He had presented several petitions in favour of the total repeal of the duty, and he would now support its partial abolition. If it were true that manufactories could not be established in parts of the kingdom distant from those where the Coal was obtained, they at least ought not to add a legislative disadvantage where there were but few natural advantages for their establishment. He must confess his astonishment at what he had heard from the noble Lord, the member for Yorkshire, who seemed to-night to have appeared as the advocate of restrictions on trade, because they were in favour of Yorkshire, though they operated against Devonshire, and all the Southern parts of the country. He should vote with pleasure for the Motion, especially as it went to the relief of Ireland, and as it was, by the confession of his right hon. friend opposite, the commencement of the operation of a principle, which he trusted would soon be extended to the repeal of the whole tax.

Lord *Althorp* said, that this was an English question, because it was an Irish question, for the interests of the two countries were the same. The system of agriculture now employed in Ireland was to create large farms, by which the small agriculturists were driven from the country into the town, where they were now suffering severely from want of employment. If this tax were repealed, though possibly no new manufactures could be established, yet the increase of those which had been long in existence would be materially promoted. He believed that as far as the Revenue was concerned, the abolition of the tax might safely take place, and as that would be very much for the benefit of the consumer, he should therefore now vote even for its partial reduction.

Sir *C. Cole* supported the Motion to take off what he must call a most inquitous tax upon the poorer classes of the community.

Mr. *Spring Rice*, in reply, said, that he disagreed with his hon. friend the member for Dover, as to this being a partial measure for the benefit of one portion of the people; or, if it were so, he could not see that by the people of Ireland being still made to suffer by this tax, the people of Norfolk or Kent would be benefitted. He should be glad to see a general measure for the repeal of this tax introduced; but since he could not obtain all that he wished, he was anxious to get as much as he could.

The House then divided—For the Motion 120; Against it 187—Majority 67.

List of the Minority.

Althorp, Lord
Acland, Sir. T.
Anson, Hon. G.
Archdall, General
Blandford, Marquis
Brownlow, C.
Baring, Alex.
Baring, B.
Baring, F.
Baring, Sir T.
Blake, Sir F.
Bernal, R.
Buck, L. W.
Brougham, H.
Bastard, J.
Benett, J.
Bell, Matthew
Bentinck, Lord G.
Birch, J.
Cavendish, W.
Chichester, Sir A.
Clements, Lord
Carter, J. B.
Cole, Sir C.
Cole, Hon. A. H.
Callaghan, H.
Clive, E. B.
Dick, Q.
Dundas, Hon. T.
Dundas, Hon. G. H. L.
Dundas Sir R. L.
Denison, W. J.
Denison, J. E.
Dawson, A.
Drake,—
Euston, Lord
Ebrington, Lord
Ewart, W.
Featherston, Sir G. R.
French, A.
Fyler, T. B.
Fitzgibbon, Hon. R.
Guise, Sir B. W.
Gascoyne, General
Gordon, Robert
Grant, Right Hon. C.
Grant, Robert
Graham, Sir J.
Grattan, J.
Hobhouse, J. C.
Hume, Joseph
Handcock, Richard
Honywood, W. P.
Hutchinson, J. H.
Hill, Lord Arthur
Howick, Lord
Jephson, C. D. O.
Killeen, Lord
King, Hon. R.
Knight, R.
Knox, Hon.—
Kekewich, S. T.
Kennedy, F. T.
Lester, B. L.
Labouchere, H.
Lamb, Hon. G.
Langston, J. H.
Macaulay, T. B.
Maberly, J.
Marjoribanks, S.
Macdonald, Sir J.
Moore, G.
Monck, T. B.
Marshall, W.
Nugent, Lord
O'Hara, J.
O'Connell, D.
Oxmantown, Lord
Poyntz, S.
Protheroe, E.
Pendarvis, E. W.
Palmerston, Lord
Portman, E. B.
Philips, G. R.
Palmer, F.
Parnell, Sir H.
Pryse, P.
Ponsonby, Hon. G.
Ponsonby, Hon. F.
Ponsonby, Hon. W. F.
Ramsden, J.
Robarts, A.
Rochfort, G.
Russell, Lord J.
Robinson, Sir G.
Rumbold, C. E.
Smith, V.
Somerville, Sir M.
Stanley, Hon. C.
Stanley, Lord
Stuart, Lord J.
Talbot, R. W.
Tomes, J.
Townsend, Lord C.
Trant, W. H.
Tuite, H. M.
Tennyson, C.
Thomson, P.
Vaughan, Sir R.
Waithman, Ald.
Wyvill, M.
Whitbread, S.
Whitbread, W. H.
Western, C. C.

West, F. R.	PAIRED OFF.
Wood, C.	Power, R.
Wood, Alderman	TELLERS.
Wood, J.	Rice, T. S.
Wodehouse, E.	Warburton, H.

HACKNEY COACHES.] Sir *J. Wrottesley* rose to move for the appointment of a Select Committee to inquire into the duties, Salaries, and Emoluments, of Hackney-coach Commissioners, and the present state of public carriages in the Metropolis. The hon. Baronet prefaced his Motion by stating the inconvenience which arose from the present system, and the necessity which existed for some change for the public advantage: he conceived that that necessity must be apparent to every person who had had an opportunity of observing the present state of things. By the appointment of a Select Committee to investigate the subject, a fair opportunity would be afforded to all parties interested to state their case. Should a change be determined upon with regard to the present system, a considerable change, he was sure, would be recommended by the committee: it would be open to any individuals to prefer claims for compensation; but, if it should appear that they had not done their duty, he did not conceive that they could be entitled to any compensation. The hon. Baronet concluded by moving—"That a Select Committee be appointed to inquire into the Duties, Salaries, and Emoluments of the Commissioners for the regulation of Hackney-coaches within the Bills of Mortality, and into the state of the public Carriages within the said Bills, and to report the evidence, and their opinion thereon, to the House; and also to inquire into the state of the Law affecting the same, and to report their opinion thereon to the House."

The *Chancellor of the Exchequer* did not rise to give any opposition whatever to the Motion of the hon. Baronet—on the contrary, he was extremely glad that the hon. Baronet had moved for this Committee. This was a question which, however trifling it might appear, had occupied for a considerable period much of the attention of the department over which he presided, and the only difficulty which appeared opposed to that change which seemed so desirable, consisted in the adjustment of those claims for compensation which individuals filling certain public situations might set up with regard to what they might consider exclusive rights and exclusive emoluments. These were matters which could be no where so satisfactorily adjusted as in a Select Committee of that House. He should not, at that late hour, go further into the question. He should content himself with saying, that he most readily acquiesced in the Motion of the hon. Baronet, and he had no doubt that the result of that committee's labours would be, to place the accommodation afforded by public carriages on a better footing than it was at present, and one more calculated for the public advantage. It was his intention to effect great convenience for the public in this respect, by a provision in the Bill which he should shortly lay before the House for the amendment of the Stamp-acts, relating to the regulation of stage-coaches. As the law at present stood, with regard to Hackney-coaches, stage-coaches were prevented from taking up passengers upon what were called "the stones," and no Stage-coach could ply for passengers in London. Now he proposed to remove that impediment. He was of opinion that the greatest possible convenience would arise to the public by permitting those coaches to ply regularly from one part of this metropolis to the other, for, by that means, the middle and poorer classes would be enabled to travel cheaply and expeditiously from one end of London to the other. He had had an interview with the parties whose interests were principally involved in the coaches which under the existing law, were allowed to ply in London, and no difficulty had been started by them to this proposition. He was satisfied that the arrangement would not only be beneficial to the public, but that it would not be injurious to the owners of those coaches; for the class of persons who would travel in the Stage-coaches when they should be suffered to ply in town, were not those who would at any time take a Hackney-coach if the law remained as it was at present.

Motion agreed to, and Committee appointed.

APPRENTICES.] Mr. *Fyler* said, he rose for the purpose of moving for leave to bring in a Bill to do away with the present system of Half-pay Apprentices in the Manufacturing Districts. His Motion was founded on the reports of two

Select Committees of that House, extracts from which he would read. The first was from the report of the committee which sat in 1804, and was as follows. "The system prevails amongst the calico printers in the Counties of Lancashire, Derby, Chester, and Stafford in England; in Scotland—in Lanark, Renfrew, Dumbarton, Stirling and Perth." The masters, continues the report, "decline entering into any indenture, but merely take the boy to serve upon a verbal agreement for seven years, to enforce the performance of which agreement, he takes a bond from the boy's parents for 50*l.* and also withholds a certain portion of the boy's earnings in his hands, generally about 10*l.*, until the period of servitude agreed upon shall expire, and thus a fraud is committed on the Revenue by evading the Stamp-act upon indentures. Your Committee feel themselves particularly bound to call the attention of the House to this practice, as it involves a violation of the principles of common equity. The master taking care to subject himself to no legal obligation towards the apprentice can dismiss him at pleasure, and such dismissals actually take place; on the other hand, apprentices serve sometimes no less than eight or ten years instead of seven, for if the master wants employment for the apprentice at any time he obliges the apprentice to serve over again that time during which he may have been unemployed, not from any disinclination on his part to work, but from the inability of his master to furnish him with employment. Your Committee felt surprised that any parents could be persuaded to apprentice their children on such terms, but the surprise soon ceased when they found that masters have compelled journeymen in their service so to bind their children, under the threat of dismissal from employment if they refused." The report of the committee of 1818 states "That a system of half-pay apprenticeship has been resorted to; which has been attended with ruinous consequences to the morals of such apprentices, and is exceedingly injurious to the trade. That in order to enable the weavers to support themselves and their families, and also for protecting the parishes in which these trades are carried on, some legislative interference should take place." These extracts shewed the House what were the evils of the system, and how necessary it was to take the step he proposed. He would make no further observations, but move that leave be given to bring in a Bill "to amend the Law relative to Half-pay Apprentices."

Motion agreed to.

HOUSE OF LORDS,

Friday, May 14.

Minutes.] Petitions presented. By the Duke of **Richmond**, from Chichester, against allowing Boys, under fourteen years of age, to be put Apprenticed to the Trade of Chimney-sweep; and from the Hop-growers of Mayfield, Sussex, against the Hop Duty. By Lord **Lyttelton**, from a Society of Surgeons in London, praying the Legislature to pass a measure for facilitating the study of Anatomy. By the Earl of **Carnarvon**, from the Freeholders and Householders of Randwick, in Gloucestershire, complaining of Distress, and praying for Relief. By the Duke of **Wellington**, from the Magistrates of the County of Roscommon, against the introduction of the Poor-laws in Ireland. By the Earl of **Bradford**, from Walsall, Staffordshire, in favour of a Free Trade to India and China:—By the Duke of **Rutland**, with a similar prayer, from Leicester and its neighbourhood; from the Licensed Victuallers of Derby, against the proposed alteration of the Licensing System; from the Seamen of Scarborough, praying to be freed from Contributing to the Funds of Greenwich Hospital; and from the Ship-owners of Scarborough, complaining of Distress, and praying for Relief. By the Marquis of **Londonderry**, from Belfast, praying that Foreign Grain in Bond might be permitted to be ground into Flour. Against the Punishment of Death for Forgery, by Lord **De Dunstanville**, from the Mayor and Corporation of Falmouth:—By the Earl of **Clare**, from the Directors of the Provincial Bank of Ireland:—By the Marquis of **Clanricarde**, from the Directors of the Athlone Bank:—By Visc. **Lorton**, from the Bankers of Sligo:—And by the Earl of **Carberry**, from the Bankers of Cork. By Lord **King**, from the Freeholders of Devonshire, in favour of an alteration of the Tithe Laws. By the Marquis of **Anglesea**, from the Inhabitants of St. Paul's, Dublin, against the Duty on Coals imported into Ireland, and against the additional Duty on British Corn Spirits; also a similar Petition to the last, from Athlone:—And by Lord **Calthorpe**, from the Protestant Dissenters of the Baptist Persuasion of Ipswich, against Sunday Labour.

Their Lordships again proceeded to examine Witnesses on the East Retford Disfranchisement Bill.

HOUSE OF COMMONS,

Friday, May 14.

Minutes.] Returns ordered. On the Motion of Mr. **Bright**, the quantity of Tobacco imported into Great Britain and Ireland in 1829, distinguishing whence it came, and in what state imported:—On the Motion of Mr. **Hume**, the manner in which the sum of 30,500*l.* voted to defray Salaries and Allowances to the Officers of the Houses of Lords and Commons; and the sum of 17,000*l.* voted to defray the Expenses of the Lords and Commons were expended:—On the Motion of the **Chancellor** of the **Exchequer**, a Committee was appointed to take into consideration the Laws relative to the growth and cultivation of Tobacco in the United Kingdom.

Petitions presented. For the Abolition of the Punishment of Death for Forgery, by Mr. S. **Rice**, from the Directors of the Provincial Bank of Ireland at Limerick:—By Lord G. **Bentinck**, from the Inhabitants of King's Lynn:—By Sir J. **Newport**, from the Managers of the Provincial Bank of Ireland at Cork:—By Mr. **Scott**, from the Burgh of Hawick:—By Mr. **Latouche**, from the Managers of the Provincial Bank of Ireland at Sligo. Against the Administration of Justice Bill, by Mr. **Jones**, from the Magistrates of Pembroke:—By the Earl of **Uxbridge**, from the Grand Jury and Inhabitants of Anglesey. For Assistance to Emigrate, by Sir M. S. Stewart, from two Emigration Societies at Glasgow. For an alteration in the Grand Jury System (Ireland), by Mr. Hume, from John Ryan, of Tipperary. For extending Poor-Laws to Ireland, by Mr. Hume, from the Inhabitants of Kilmanagan (King's County). For an alteration in the Marriage Laws, by the same hon. Member, from the Free-thinking Christians of London. Against the Tithe System (Ireland), by Mr. O'Connell, from several Parishes in Wexford. Against the proposed increase of Duty on British Spirits, by Sir W. J. Hope, from the Inhabitants of Athlone; and from the Landholders and Occupiers of Dumfries:—By Mr. Carew, from the Landowners of Ballaghkeen (Wexford):—By Mr. Scott, from the Landholders of Roxburghshire:—By Lord Gasley, from the Landholders of Wigtown:—By Mr. Jephson, from the Landowners of Kilmeen, Culen, and Dromtariff. Against the Sub-letting Act (Ireland), by Mr. O'Connell, from the Inhabitants of several Parishes in Wexford. For the abolition of the Duties both on Malt and Beer, by Sir E. Knatchbull, from the Inhabitants of Rolvenden. Praying for Relief under Distress, by Sir R. Vyvyan, from the Occupiers and Owners of Land in the Hundred of East and in the Hundred of West (Cornwall). Against the proposed Alteration in the Stamp Duties (Ireland), by Sir W. J. Hope, from the Inhabitants of Athlone. In favour of the Jews Emancipation, by Mr. Coke, from the Inhabitants of Diss, Norfolk.

Stamp Duties, (Ireland).] Mr. *Moore* in presenting a Petition from an industrious and meritorious class of his constituents, the Gold and Silver Operatives of the city of Dublin, observed, that they had seen with dismay the proposal assimilation of duties in their trade with those at present existing in England, and they prayed that this House would pause before it sanctioned such assimilation. He could not help saying that the case of the petitioners was one of peculiar hardship, and entitled to the serious attention of the House. He believed that, of all the classes of Dublin artisans who had suffered so severely by the Act of Union, there was none on whom that measure pressed so intensely as the petitioners. They were a class whose industry could look for demand solely from those who were comparatively opulent, and the withdrawal from the metropolis of most of the nobility of Ireland, and a large proportion of the gentry, had reduced their calling to a state of continued struggle and progressive decline. In this condition he would call the attention of the House to the proposed enormous increase of taxation on their industry by the proposed assimilation of duties on the manufacture of gold plate; that proposed increase was at no less a rate than 1,600 per cent on the present duty, the latter being but 1*s*. an ounce, whereas it is now proposed to impose a tax of 17*s*. an ounce. Nor was this all; the gold and silver workers at present were obliged to take out a license only once during their lives, for which they paid five guineas; whereas, by the proposed schedule, they must take out a yearly license at the expense of five guineas and a half, which, according to the usual mode of computing the value of a life, would amount to nearly sixty guineas for that which at present they were obliged to pay only five—thus proposing an increase of nearly 600 per cent; an increase that, if persevered in, must, in the present struggling and declining condition of that branch of domestic industry in Dublin, crush the petitioners altogether. Under these circumstances he must earnestly press on the House and his Majesty's Government the justice and necessity of reconsidering this oppressive aggravation of the burthens under which the petitioners at present labour.

Lord *Morpeth* thought the case of the petitioners very hard, and that they were deserving of the most favourable consideration. As the Legislature had deprived them of much of their trade, it should rather seek to lighten than increase their taxation.

Mr. *Jephson* said, that these manufacturers were already reduced to the lowest ebb of distress, and any attempt to impose additional burthens on them, would infallibly ruin them. He hoped that the Chancellor of the Exchequer would desist from such a project.

Forgery.] Mr. *John Smith* presented a Petition from three individuals, whose names and character need but be named to be known as amongst the highest in the commercial world. The Petition was for the abolition of the punishment of death for the Forgery. The first name to the Petition was that of Mr. Rothschild, the greatest merchant in the world, and one through whose hands more Bills of Exchange passed than through those of any twenty firms in London. The second was that of the firm of Overend, Gurney, and Co., through whose hands bills of Exchange to the amount of 30,000,000*l*. passed last year; and the third was that of Mr. Sanderson, a Bill-broker, and also a Member of the House. He was himself convinced of the impolicy of punishing this crime with death, and declared that, with respect to himself, many instances had occurred on which he would not prosecute, because of the penalty of death. He, however, was of opinion that transportation to New

South Wales was no adequate punishment, because the man who could defraud the public of 8,000*l.*, or 10,000*l.* might have that transmitted there, and live in luxury. The punishment ought to be one infamous, degrading, and uniformly applied.

Petition laid on the Table.

Business of Parliament.] The *Chancellor of the Exchequer* moved, that the House resolve itself into a Committee of Supply.

Sir *J. Graham* said, he was unwilling to stop the course of public business; and had accordingly a proposition to make to the right hon. the Chancellor of the Exchequer. He felt it his imperative duty to bring forward the Motion of which he had given notice: he was most anxious to do so; but still he was unwilling to bring it forward as an Amendment upon the Motion of the House resolving itself into a Committee of Supply. It was his undoubted right to introduce the question in this manner; but he considered it a right which should be cautiously and sparingly exercised—one, in short, which should only be asserted upon great and important occasions. He was accordingly anxious to avoid making his Motion as an Amendment, and, with the consent of the hon. member for Aberdeen, who had been good enough to allow him precedence, he would propose to the Chancellor of the Exchequer, that the House should go into the Committee of Supply, on the understanding that no vote should be proposed after ten o'clock, but that he should be then allowed to bring forward his Motion.

The *Chancellor of the Exchequer* felt great difficulty in replying to the hon. Baronet's proposition. He gave him credit for not wishing unnecessarily to obstruct the public business; but at the same time he allowed him less free will in the matter than was altogether satisfactory, since he had only the choice of going into Committee for four hours or not going into it at all.

Mr. *Hume* was willing to give the hon. Baronet's Motion precedence; but he wished to state that he did not concur with him in the opinion that the right of moving such questions as amendments to a motion for going into a Committee of Supply was one that ought to be sparingly used. He thought it was the legitimate course of the House that motions concerning the people's grievances should be brought forward when they were asked to vote away the people's money. If, however, the hon. Baronet and the Chancellor of the Exchequer agreed that the former motion should come on at ten o'clock, he would give way; if not, he would pursue his own course.

Sir *J. Yorke* said, it was a perfectly plain-sailing question, and he wondered that his right hon. friend should think of opposing the hon. Baronet's proposition.

The *Chancellor of the Exchequer* said, he intended to grant the hon. Baronet's wish, with a very slight difference of form, which was perhaps scarcely worth discussing.

Sir *J. Newport* observed, he was a Privy Councillor, and could not see why the Motion should be opposed.

The *Chancellor of the Exchequer* said, his objection to the Motion was, that it applied to a class: he had nothing to oppose to a motion for the total amount of salaries, or to the salaries enjoyed by particular persons, as public officers. He objected to the Return being made *quoad* Privy Councillors, as he would *quoad* Baronets, or any other class. This was the only point on which he and the hon. Baronet differed. He would propose, as a substitute for the hon. Baronet's Motion, one for a Return of the total amount of all Salaries received by public officers, and of the amount received by each, distinguishing the source from which he received his Revenue.

Supply.] The House then resolved itself into a Committee of Supply.

12,000*l.* was voted to supply the deficiency of the fees of the Home Secretary's Department for the year 1830.

17,000*l.* to make good the deficiencies of the fee fund of the Foreign Secretary.

Mr. *Hume* said, that the expenses of this department had doubled since 1797. The establishment at the office cost 27,000*l.*, Contingencies were 10,000*l.*, Messengers and couriers 26,000*l.*, other officers, 10,000*l.* The charge for messengers was most enormous, and it arose in part he understood, from the messengers paying the expenses of their fellow travellers. Any gentleman who wished to have a pleasant trip to Constantinople or Madrid, might go with a King's Messenger free of expense.

Mr. *George Dawson* justified the expenditure in consequence of our being obliged to send messengers to every part of Europe. It was not true as stated by the hon. Member, that individuals could travel with the couriers free of expense. If any person chose to accompany a courier from the Foreign Office, he was obliged to pay for himself, and he was not suffered of course to delay the courier, who always travelled with the utmost speed.

Resolution agreed to.

The next Resolution was for the sum of 17,500*l.* to make good the deficiency of the Fee-fund of the Colonial Department.

Mr. *Hume* said, if the Government would leave the colonies more to themselves,—if they would leave them more free in their actions, and not keep them in leading-strings, as they did, this expense might be spared. In 1796, the whole expense of this department was 9,000*l.*, and last year it was 26,000*l.* He could not say whether the different individuals connected with this department were necessary or not; but Government appeared to add one thing to another in the way of expense. He observed an item of 1,500*l.* a-year for a standing counsel. He understood that the gentleman who held that appointment had got another situation, but he did not know whether he still retained that of standing counsel.

Mr. *S. Rice* said, there was no person acquainted with the business of the Colonial-office, but must admit that the services of Mr. Stephen, the standing counsel, were invaluable. While he was on his legs, he would call the attention of the House and the Government to the alteration which had been made in the military department of the Home-office. By the extensive reduction of the yeomanry and the militia, nothing could be more certain than that the military duty of the Home-office had been considerably lessened. He might be told that the business of the criminal branch had increased. He admitted that it had increased; but, taking the two branches together, he thought that there could be, and ought to be, effected, a reduction in the expense of that office. He would call the attention of the House to another office connected with the Home Department, in which a saving might be made. The charge was not, indeed, a very great one; but whereever an expense was incurred, without producing any benefit to the public, that expense ought, on principle, to be spared. The office he spoke of was the Alien-office. If the Secretary of State for the Home Department were present, he did not think that he could state any possible ground, or point out any imaginable advantage, that could accrue from keeping on our Statute-book any portion of the law for the regulation of aliens. So long as the law gave a severe sanction to our sending aliens out of the country, although it was an impolitic, unjust, and atrocious law, yet it was an effective law, and answered the purpose for which it was intended. But the law as it now stood served only to clog and embarrass commerce and trade. The trader, under this law, was compelled to proceed to some particular port, when, perhaps, his interest would induce him to go elsewhere. The law, while it thus interfered with commercial pursuits, did not afford any protection against the dangers contemplated by the original Act. He hoped, therefore, that his hon. friend, the member for Aberdeen, would move for the repeal of that bill, and thus get rid of the office altogether.

Mr. *Hume* was sure, that the subject could not be in better hands than those of his hon. friend; for his own part, he had quite enough to do already; but if his hon. friend would move for the repeal of the Alien Act, he would vote with him. He would take that opportunity of stating, that it was most preposterous that several of the clerks in the Home Department not only received salaries for their services in the office, but derived further emoluments as agents for different colonies.

Sir *G. Murray* did not, generally speaking, advocate the propriety of appointing clerks as agents to colonies. It was a practice that ought not, perhaps, in all cases, to be pursued; but in these particular instances it was necessary. The business was well done, and the expense was not greater to the colonies than if it were performed by other parties.

Sir *J. Newport* adverted to the danger of allowing balances to accumulate in the hands of those agents, and instanced the case of Mr. Chinnery, who, at the very time that Parliament was voting large sums of money to meet Bills of Exchange that were drawn on account of New South Wales, had very considerable funds in his hands. He was ultimately a defaulter to the amount of 18,000*l.* or 20,000*l.* He would not, therefore, intrust clerks in public offices with large balances of money.

The *Chancellor of the Exchequer* stated, that care had been taken to provide against such an occurrence in future.

Mr. *W. Smith* did not approve of insinuations being thrown out with respect to individuals who were not present. Allusion had been made to Mr. Stephen, whom he knew to be as conscientious and trustworthy an officer as any under the Crown.

Colonel *Davies* said, the hon. Member laboured under an error. His hon. friend never threw out any reflection whatever on Mr. Stephen. He only said—and he (Colonel Davies) agreed with him—that the salary for standing counsel ought to be dispensed with. He believed that Mr. Stephen did a great deal of duty, but he also believed that that duty ought to be done by others.

Mr. *Hume* wished it to be understood that he had not the least idea of making any insinuation with respect to Mr. Stephen. He objected to the fact of giving a salary to a standing counsel, and of allowing the clerks in public offices, to receive salaries as agents for the colonies.

Mr. *George Dawson* said, the vote in the hands of the Chairman was to defray the Salaries of the Secretary, Under-secretary, and Clerks of the Colonial-office. It had nothing to do with the payments of those clerks as agents. If, therefore, the hon. Member objected to their receiving separate allowances, it would be better to make a separate motion when those grants were called for. The House was not then called on to vote any of those sums.

Resolution agreed to.

The following Votes were agreed to without observation :—

16,850*l.* to make good the deficiency of the Fee-fund in the departments of the Privy Council, and Committee of Privy Council for Trade.

8,000*l.* to defray the Contingent Expenses and Messengers' bills in the department of his Majesty's Treasury.

8,045*l.* to defray the Contingent Expenses and Messengers' bills in the department of his Majesty's Home Secretary of State.

The next Resolution was for 34,750*l.* to defray the Contingent Expenses and Messengers' bills in the department of his Majesty's Foreign Secretary of State.

Mr. *O'Connell* said, he should move that this vote be reduced by 4,000*l.*

Mr. *Hume.*—You may as well move that the grant be reduced by 10,000*l.*

Mr. *O'Connell* then moved, that the vote be reduced to the extent of 10,000*l.* If the expenditure turned out to be less than the smaller sum, which, perhaps, it might, then the country would receive credit for the difference; but if the expense proved to be more, Government could find no difficulty in providing for the deficiency whenever it should occur.

Mr. *George Dawson* assured the hon. and learned Member that great inconvenience might arise to the public service from the proposed diminution of the vote, as Government possessed no means of making up the deficiency if the vote should prove too small to cover the expenditure. If the grant exceeded the outlay, of course the balance should be refunded. The expenses in question were paid in ready money; there was no credit in that branch of the public service, and any deficiency would be inconvenient. The hon. and learned Member must himself perceive, that if he would only put a moderate share of confidence in the Foreign Department, there would be no necessity for pressing his amendment.

Mr. *O'Connell* said, he was just as much indisposed to put confidence in Government on a point of expenditure as any genuine Representative of the people ought to be. The people had sent him to that House, and no Representative of their's ought to repose confidence in any Ministers when the expenditure of the public money was concerned. However, he had no inclination to press his Motion if it were the wish of the Committee that it should be withdrawn.

Vote agreed to.

On the Motion that a sum, not exceeding 10,500*l.* be granted to his Majesty to defray the Contingent Expenses and Messengers' bills in the department of the Secretary of State for the Colonies for the year 1830,

Mr. *Hume* inquired what the Colonies wanted with Messengers?

Sir *G. Murray* explained, that more than half the amount of the grant (namely, a sum of 5,500*l.*) was devoted to Contingencies. Of these, the expenses of the Slave-registration Office amounted to 596*l.*; there was an allowance to reduced clerks of 898*l.*; and the charge for preparing Returns was considerable, 1,255*l.* These were some of the items that came under the head of Contingencies. With regard to the expense of Messengers, owing to the state of the Levant, great expense was incurred by the necessity of communicating with the island of Corfu over land; and although the messengers had to convey matters not immediately connected with the colonial service, but with other affairs, the expense was included in the vote, the amount of which was thus necessarily augmented.

Mr. *Hume* said, he was quite willing to consent to the expense of making out returns, provided they were properly prepared; but the misfortune was, that he never could get the returns he moved for.

Resolution agreed to.

3,725*l.* to defray the Contingent Expenses and Messenger's Bills in the departments of his Majesty's Most Hon. Privy Council and Committee of Privy Council for Trade, for the year 1830, was voted without discussion.

Mr. *G. Dawson* moved, that 6,500*l.* be granted to his Majesty to make compensation to the Commissioners appointed by the Acts 1st and 2nd George 4th, c. 90, and 3rd George 4th, c. 37, for inquiring into the Collection and Management of the Revenue in Ireland, and the several establishments connected therewith, and into certain other Revenue departments in Great Britain, for their assiduity, care, and pains, in the execution of the trust reposed in them by Parliament.

Colonel *Davies* said, he had no doubt that these Gentlemen had discharged their duty with great benefit to the public. He was aware that they had made several valuable reports, and many useful suggestions, with respect to the subjects of their inquiry, particularly as related to certain departments in Ireland; but it should be recollected at what an expense these objects had been effected. The first payment to the Commissioners took place in 1823, and amounted to 6,255*l.*; the next was in 1824, the amount, 6,000*l.*; in 1825, 5,200*l.* was paid to them; in 1826, 5,675*l.*; in 1827, 6,000*l.*; in 1828, 6,500*l.* and a further sum of 2,000*l.* for Contingencies; in 1829, there was paid also 6,500*l.* and 2,500*l.* for Contingencies; this year, to be sure, the payment was only 6,500*l.*; but still, there had been paid altogether to these Commissioners, including the present Estimate, a sum of 53,130*l.* This was a prodigious expenditure. How was it possible that the Commissioners could spend eight years in their inquiries and be diligent in the discharge of their duties?

The *Chancellor of the Exchequer* said, the annual saving effected by the Commissioners in the collection and management of the public income considerably exceeded the aggregate amount of the payments made on account of their services. The labours of the Commissioners had now closed, and this was the last vote which the House would be called upon to grant them; but although Parliament would hear no more of the Commissioners of Revenue Inquiry, in the matter of voting money to them, it would have frequent opportunities to bear in mind the benefit derived from their labours.

Mr. *Hume* asked, what was the subject of the Commissioners' inquiry in the present year?

Mr. *Dawson* said, they would submit another report on the state of the Post-office.

Mr. *Hume* was aware of the general importance of the labours of the Commissioners, but their proceedings with regard to the Post-office had met anything rather than his approbation. What he wished was, that the Chancellor of the Exchequer would try and effect a complete revision of the laws relating to the Post-office. Although the general feeling was, that the Post-office was the best conducted department in England, he entertained a very different opinion on the subject.

Resolution agreed to.

Mr. *Dawson* moved, that a sum of 5,000*l.*, be granted to his Majesty to defray the Salaries of certain Officers, and Expenses of the Court and Receipt of Exchequer for the year 1830.

Mr. *R. Gordon* wished to make a few observations relative to this vote. He was of opinion that if we assented to it, we should continue to sanction the recorded follies and acknowledged absurdities of an antiquated system. The Exchequer was divided into seven different departments; the Tellers' department, the department of the Pells, the Auditor's office, the Tally court, and three others, viz. the Pipe-office, the department of the King's Remembrancer, and that of the Lord Treasurer's Remembrancer. He should take the Pipe department which had seven subsidiary absurdities: among these were the Clerk of the Nichils, the Clerk of the Estreats, the Cursitor Baron, and the Foreign Apposer;

it might be sufficient to mention these at present, who were all subsidiary to the department of the Pipe. Parliament had felt the absurdity and inconvenience of the system from time to time. In 1783 the first Act was passed on the subject. It was then declared, that after the extinction of certain existing officers, reforms should be introduced and acted on. In 1821, the attention of the Legislature was again called to the matter, and additional Acts were passed, but with so little effect, that in 1824 a commission was appointed, consisting of three Lords of the Treasury, to inquire into the subject. He should ground his observations principally upon the information furnished by their report. The commissioners stated, that the Pipe-office consisted of eight sworn attornies, two board-end clerks, and eight clerks attached to the sworn attornies. Of the eight sworn attornies, it appeared, that five had their residences in the country, at considerable distances from London. Two of the witnesses examined had been in the office, one nine years, and the other twenty-five; and it appeared from their evidence, that five out of the eight sworn attornies never came near the office, so completely were their situations sinecures. Perhaps it might be imagined that the clerks did something in the absence of the attornies,—no such thing. The commissioners stated, that the articled clerks appeared to have no stated duties to perform—no fixed hours of attendance; in short, that they did no more than they thought fit. Such were the words of the commissioners, who were not opposition Members, seeking for faults, but Lords of the Treasury, who were generally supposed to conceal them. Was such a system as this to be allowed to go on for ever? Were we always to be told of vested rights and reversionary interests, in answer to propositions of necessary reform? If Gentlemen took the trouble to examine the report of the commissioners, and he trusted some would do so when it was laid upon the Table, they would find, that the Lords of the Treasury had examined into the situation as well as the duties of the clerks, and discovered that three of them had been at school after they had been appointed clerks. One of these Gentlemen admitted, that subsequently to his nomination he was five years at school at Chelsea, two years in a conveyancer's office, and that he now practised as a barrister, and might look in at the office once a month. The board-end clerks were much the same as the articled clerks, and the commissioners referred to the evidence of one of them, in order to prove the utter ignorance of the duties of their office (if any there were) that prevailed amongst them. Lord Lowther and Lord G. Somerset, two of the commissioners, in their report very properly disputed the right to superannuations and compensation, supposed to be possessed by persons in this office. They observed, that it would be for the Lords of the Treasury to decide whether the right of succession by seniority to highly-paid offices was so sacred, that no plea of ignorance, incompetency, or lack of duties, should interfere as a bar to a full claim for remuneration in the event of an alteration in the arrangements of the office. The same observation would apply to many other departments, which were filled by officers who were scarcely able to tell what were the duties that they had to perform. The hon. Member proceeded to say, that he had been a member of the committee appointed to inquire into the fees and office of Sheriff, and added, that any one acquainted with the result of that investigation must be convinced of the mummery, inconvenience, and folly of the system. Five great rolls of parchment went down to the Sheriff yearly, containing accounts of supposed debtors to the Crown during the last 300 years. The Sheriff or Sub-sheriff was bound to summon a jury, in order to ascertain what money was due to the Crown on the roll. The sending of the roll down and up again occasioned an expense of 15*l.* He should not trouble the House with any detail, as to the duties of the clerks of the nichils: it might be easily conjectured, from the very title of the office, that those duties were very scanty. The commissioners from whose report he had got all the details he had given to the House, and he was bound to bear his testimony to the manner in which they had performed their labours,—the commissioners went into a history of the mode of examining and passing Sheriffs' accounts in the Exchequer chamber, and described the practice of throwing, in the presence of the Cursitor Baron, small copper coins behind a hat, from one little square of the cloth on the table to another—a proceeding not calculated to test the accuracy of the accounts, and which could only tend to produce a feeling of contempt in the minds of the accountants. Where the Sheriff's accounts appeared correct, a person cried out "tot," and whenever any inaccuracy appeared, another individual exclaimed "nil," and according as these words were uttered the copper coins were shifted from one part of the chequers to another. Were we to vote money to support absurdities like these? He had explained the mode of proceeding in the Pipe-office, and might join the department of the King's Remembrancer and the Lord Treasurer's Remembrancer with it is as equal in folly. He now proceeded to other branches of the Exchequer, and in doing so confessed that he thought the Committee would be surprised at the manner in which the public money was paid into the Tellers of the Exchequer. There were four Tellers, and each had a little cabin near that House, in which he or his deputy sat, accompanied with the proper clerks, for the purpose of receiving from the Excise the Customs and the Stamps, money that was paid nominally to them, but in reality to a branch bank of the Bank of England, which sat in the next room, where two or three clerks from the Bank were placed to receive money, which was paid out of the Bank to be paid into the hands of the Bank again. The Tellers, on receiving the money, signed a parchment, written in a mixture of Latin and Saxon, a sort of language or jargon which nobody but a Teller could understand. They passed this roll through a pipe into another room below, and there it was cut into a particular shape, and carried to the Auditors of the Exchequer. It was true, the wooden tally formerly in use had been put an end to within the last six or seven months, but the parchment tally, for this roll was nothing but a parchment tally, was continued. The absurdity and inconvenience of this practice were felt so strongly by Ministers, that they had abolished Exchequer payments to a considerable extent, and they were now managed by certain clerks of the Treasury. He should be told, that Ministers were anxious to introduce improvements. We were always told this. It was always said, "Give us time, and we will do what you want." However, he contended that we should not wait till vested interests were at an end, and all persons had been satisfied who thought they had vested expectancies. The sum voted on account of the present item was, in 1827, 5,700*l.*; in 1828, it amounted to 7,000*l.*; in 1829 to 6,200*l.*; and this year, to 5,000*l.* It was true, there was a reduction this year, which he imagined must have been made in some of the larger items. Out of this sum there was an allowance to the Barons of the Exchequer for stationery, 17*l.* 10*s.* for each Baron. The Barons surely could afford to pay for their own stationery out of their salaries. Again, the King's Counsel were allowed 8*l.* each for stationery. He did not much object to that—it might be an old custom, and it was, perhaps, the only salary which they received—he therefore thought it was not worth talking of. There were various charges for Messengers scattered up and down through those Estimates; and it required the utmost difficulty to discover how the accounts really stood. All the assiduity and all the clearness of his hon. friend the member for Aberdeen, would be necessary to analyse them, and present a clear view of the subject to the House. Nothing could equal the complexity and confusion of the affairs of the Court of Exchequer. If any one took the trouble to look into "Maddox's History of the Court of Exchequer," he could not fail to see that its complexity was beyond example. In that work he found a curious quaint old dialogue, in which a person, calling himself Gervasius Tilburiensis, takes a part, and which discloses, in a very striking manner, the state of obscurity in which that Court was at the time when the dialogue was penned—namely, in the reign of Henry 2nd. Gervasius was looking out of his tower at Tilbury-upon-the-Thames, and he heard a voice saying unto him, "Master, dost thou not know that treasure being hidden is of no value." Receiving an assent to that, the voice proceeds, and says, "Master, dost thou not know that knowledge being hidden is also of no value?" Gervasius assenting, is admonished that the knowledge possessed by him respecting the Court of Exchequer—knowledge possessed by so few, ought to be given to the public, and thereupon a History of the Court of Exchequer was compiled. The mode of doing business in it was then proverbially complex: it had since become more so, and it now passed all understanding.

Mr. *George Dawson* complained that the hon. Member should have delivered such a speech on the present occasion, instead of bringing forward a specific motion on the subject. The present vote had no more to do with the constitution of the Court of Exchequer than it had to do with that of the Court of King's Bench. A sum of 1,839*l.* was distributed by the Usher of the Court in lieu of salaries, and emoluments, and perquisites, in sums varying from 65*l.* to 1*l.* 3*s.* 7*d.* By this system a saving of 500*l.* annually had been effected. With respect to the expense of Messengers, it was impossible that he could go into all the details connected with such a subject. The House must see that a very large number of Messengers was necessary for the conduct of the public business.

Lord *Althorp* thought, his hon friend (Mr. Gordon) had taken a very proper opportunity of bringing forward the constitution of the Court of Exchequer. For his own part, he felt great disappointment in finding that no change had been made in the system of keeping the public accounts. This was a matter for which the Ministers were responsible; and the more so, because it was agreed in the Finance Committee that the system should be changed without delay. With respect to the charge for Messengers, his hon. friend had very properly called the attention of the Committee to the fact, that instead of being brought forward as one item, it was scattered over various parts of the Estimates. He must also add, that taking into consideration the sums charged for Messengers in other places, it did appear to him most exorbitant.

The *Chancellor of the Exchequer* said, that so many difficulties had occurred in attempting to carry the recommendations of the Finance Committee, as to the mode of keeping accounts, into effect, that it had not been possible to accomplish its wishes; it might, however, be satisfactory to the House to know, that they would be complied with as far as possible, and that, in the mean time, every care was taken to prevent every species of extravagance.

Mr. *Hume* said, that as this sum was asked to pay the salaries of certain officers of the Court of Exchequer, he could not understand what the Secretary for the Treasury (Mr. G. Dawson) meant by saying it had nothing to do with that Court. For ten years past he had complained of the constitution of that Court, and though every Chancellor of the Exchequer had promised, every year, that the system should be altered, no change had yet taken place. He should recommend his hon. friend to divide the Committee on this vote, in order to impress the subject on the minds of the Ministers.

Mr. *Herries* said, that a change in the system was still in contemplation, and would be carried into effect as soon as possible.

Mr. *R. Gordon* said, that he should not divide the Committee. He was content with having called attention to the subject; but he must say, that he was much suprised that even the recommendations of the Treasury Commissioners had not been carried into effect. It was six years since the report was made.

Mr. *Hume* said, that after what they had heard of the necessity and importance of Messengers, he begged to ask one question of the Chancellor of the Exchequer. Was it true that a Messenger had been sent to the Duke of Buccleuch, to ask him to come up and second the Address?

The *Chancellor of the Exchequer* said, he really could not carry in his recollection each individual service performed by the Messengers. He could not tell whether a Messenger had been sent to the Duke of Buccleuch or not.

Mr. *Hume* had learned, upon very good authority, that a Messenger had been sent on this errand to the Duke of Buccleuch.

Mr. *Poulett Thomson* complained of the expense of Foreign Messengers. There was a Messenger sent every week to Paris. This person travelled post with four horses, and his expenses were treble what they ought to be. Why could not a Government Messenger travel, like the commercial couriers, on horseback? But the worst of it was, that this Messenger's real employment was smuggling. The Messenger was employed in bringing over gowns, and gloves, and shoes; and his bag was full, not of despatches, but of smuggled goods.

Resolution agreed to.

"The sum of 958*l.* 5*s.*, to pay the Salaries and Allowances of certain Professors in the Universities of Cambridge and Oxford, for reading courses of Lectures," was voted.

The Resolution "That the sum of 13,778*l.* 2*s.* be granted for paying the Salaries of the Commissioners of the Insolvent Debtors' Court, of their Clerks, and the Contingent Expenses of their office, for one year; and also of the expenses attendant on the Circuits," was opposed.

Mr. *Warburton* said, that while they had such an expensive bankruptcy establishment, he did not see why they should be called upon to pay such a sum as this for the support of an Insolvent Debtors' Court. In a work lately published by a Commissioner of Bankrupts, the expense of the Bankruptcy Establishment was estimated at 250,000*l.* a year. He did not see why the business of the Insolvent Court and the Bankruptcies should not be managed by the same parties, without entailing the additional expense which this vote required.

The *Solicitor General* said, it would be impossible that the business of the two Courts could be managed by the same set of commissioners. If the Bankrupt Court were to be made permanent, it would entail a vast expense on the country, and the commissioners could not obtain constant employment. The employments of the two Courts were quite different. The Bankrupt Commissioners had to decide upon important points of law, and to distribute a great deal of property; whereas the commissioners of the Insolvent Court had no points of law to decide, and no property to distribute. The legal knowledge necessary in Commissioners of Bankrupts, and practical acquaintance with the business they had to do, would compel the country to give them large salaries if permanently employed, and would create an immense expense.

Mr. *O'Connell* admitted, that the constitution of the two Courts was different, and that the Bankrupt Courts had to decide important questions in law and equity, which would require considerable legal experience; but in looking at the selection made of Commissioners of Bankrupts in a country with which he was acquainted, it would not be found that these acquirements were exactly the qualifications for which they were chosen. Good political or family connexions, and little or no experience, seemed, in many instances, to have been made the grounds of choice. They were generally practising barristers, and it was not uncommon to obtain by a fee, substituting feigned names, their opinion on cases to be afterwards brought before them as commissioners. Altogether, the abuses under the present system were horrible, and he trusted that they might be remedied. If no other Member should undertake the task, he would, however little qualified for it, bring forward the subject next Session, if it were only to stimulate those in whose hands the matter would be much better managed.

Mr. *Warburton* said, that in objecting to the present system he spoke not his own opinions, but those of the most eminent barristers, who recommended that a total change should be made in the constitution of the Bankrupt Court.

Sir *M. W. Ridley* thought, that if the Insolvent Debtors' Court had neither to decide important points of law, nor to distribute any considerable property, means ought to be taken to reduce the expense at which it was maintained. He was also of opinion, that the number of Commissioners of Bankrupts might be reduced one-half.

Mr. *P. Thomson* said, that there was not a mercantile man in London, who would not accept 5*s.* in the pound, although there might be hopes of the estate furnishing assets to the amount of 10*s.* or 15*s.* under a commission, rather than suffer it to go into the Bankrupt Court, where, as it was at present constituted, justice was denied, while the expense was enormous.

Lord *Althorp* said, that although the hon. and learned Gentleman (the Solicitor General) did not exaggerate the importance of the Commissioners of Bankrupts, yet he seemed to undervalue that of the Insolvent Debtors' Court. He thought that the value of the Court ought to be estimated, not merely by the amount of money distributed by it, but by the compositions of which it was the cause. The present system was bad, as it held out temptations to insolvents to spend their money in prison, and left nothing to distribute.

Mr. *Batley* thought, the business of the Court would be much better discharged, if the commissioners had permanent salaries, and were men of a certain standing at the bar. He did not think it beneficial that the Judges in that Court should be practitioners in Chancery, for they gave up more time to seek profit in their profession than to discharge their duties as commissioners.

Mr. *Sykes* complained of the enormous amount of the fees, and trusted that this branch of the law would be soon revised.

Mr. *J. Wood* said, that both barristers and solicitors felt that a great alteration ought to be made in the law. To merchants and traders it was ruinous and delusive. The most corrupt and disgraceful transactions took place in those Courts, and the sooner they were completely reformed, the better the public would be pleased.

Mr. *Hume* said, that the Bankrupt Law was one of the greatest nuisances with which the country was afflicted, and yet the hon. and learned Solicitor General came forward to eulogise the Bankrupt Court. The evil mentioned by the hon. member for Clare was not confined to Ireland, for here also Commissioners of Bankrupts practised as pleaders in other Courts. The Attorney General, on a former occasion, said, that law was cheap in England, compared with other countries. What would he say to the fact of the Bankrupt Court having cost 250,000*l.* in one year? He thought it was a reflection upon the Lord Chancellor, the Secretary of State for the Home Department, the Attorney and the Solicitor General, to allow the gross abuses of that Court to continue. He hoped that the Solicitor General would undertake the reformation of these evils. [*The hon. and learned Gentleman shook his head.*] Then if he would not fulfil that which was his duty, by proposing those alterations in the law which were necessary for the protection of the public, the sooner he gave up his situation the better. The Solicitor General stated, that the Commissioners of Bankrupts had grave questions of law to decide, leaving it to be inferred, that they ought to be men of talent, intelligence, and experience. But the fact was, that gentlemen were appointed Commissioners of Bankrupts, not because they possessed these qualifications, but because they were destitute of them, and could get nothing to do in their profession. How then could the law officers of the Crown have the assurance to make such statements? The hon. and learned Gentleman would pardon him, but he really felt indignant when he heard it asserted, that the commissioners were necessarily men of great talents. At the same time he should be guilty of great injustice, if he did not admit, that many of the commissioners were men of abilities.

The *Chancellor of the Exchequer* said, that his hon. and learned friend, the Solicitor General, had pronounced no eulogy upon the Bankrupt Commissioners, but merely said that the duties of that Court, and of the Insolvent Debtors' Court, were so dissimilar, that they could not be performed by one set of commissioners.

The *Solicitor General* said, that whatever accusation might be made against him by the hon. Gentleman, he doubted whether any of the responsibility attached to his office: he had no more control over the Commissioners of Bankrupts than the hon. Gentleman himself. He did not intend to retract anything he had said; he never meant to eulogise that Court: all that he had done was, to show that one set of commissioners could not perform the duties of both Courts.

Mr. Alderman *Waithman* said, he did not object to the individuals who were the Commissioners of Bankrupts, but he objected to the office, and the number of those commissioners. There were seventy-two of them, some of whom were both commissioners and advocates, and the most skilful of them were frequently employed to protect, before other commissioners, the greatest scoundrels. He had known an instance in which one of these commissioners gave an opinion, that an individual was subject to the Bankrupt Laws, and that very commissioner afterwards argued, before other commissioners, that the individual was not subject to the Bankrupt Laws, and defeated him (Alderman Waithman), by which he lost 1,000*l.* This had given him a distaste for the Bankrupt Laws, and he had never since applied to them. The Insolvent Debtors' code was intended to relieve our prisons, which were overloaded with prisoners, and though it was not as bad as our Bankrupt Laws, it needed amendment. It was not to be expected that he or any other individual should bring forward any measures of improvement, for unless they were proposed by the officers of the Crown they never succeeded. It was the business, therefore, of the law officers to effect a reform. He expected that from them. In particular he wished to get rid of the army of commissioners. The whole system was bad, and he was sure that no persons who could help it would ever have recourse either to making his debtor a bankrupt, or forcing him to take the benefit of the Insolvent Debtors' Act. He would lose both his money and his time. He felt so indignant at these laws, that he could not do otherwise than protest, in the name of the commercial community, against them.

Mr. *D. W. Harvey* said, he knew no difference between an insolvent and a bankrupt, except that which the law made. They were both persons who could not pay their creditors; but while the bankrupt, after receiving his certificate, could again possess property, the insolvent was liable to be called on to pay his debts in full. The Attorney General, in a bill then before the House, had introduced a clause which he thought likely to be beneficial. In introducing it, indeed, he had spoken of the preparation of going to prison; though what beneficial effect that preparation, whether legal or moral, was to have, it was out of his power to say; but the Attorney General proposed, that after going to prison as a preparation, a debtor who could pay 10*s.* in the pound, and could satisfy his creditors as to his honesty, should be immediately liberated, and be freed from all further demands. This would be a great improvement in the law, and acceptable to the whole trading community; for men were generally very ready to compound for their bad debts at the rate of 10*s.* in the pound; and, in fact, were very glad to get so much.

Mr. *Bright* said, that the whole question of the Bankrupt and Insolvent Debtors' Laws was far too important to be discussed on that occasion. He did not know a subject in which the whole community was more interested than these laws, the whole of which needed revision. Let any of the Members go to Guildhall, and there they would see three or four commissions working at the same time; three or four barristers examining as many witnesses, a great number of attornies consulting a number of clients, and altogether such a scene of confusion as never was seen in any other court of justice. It was not a question of a single debtor, or a single creditor, but a question that involved the welfare of the whole mercantile community. The interference of the Government to provide a remedy for this state of the law was necessary. At present no man who could avoid it went before the Commissioners of Bankrupts—he took what he could get from his debtor; but when he did go, he never left the Court without being affronted and ashamed at the abominable conduct of the commissioners. The Insolvent Debtors' Acts were worse, if that were possible, than the Bankrupt Laws. The dividend of the debtors liberated under them was, he believed, nothing. The attorneys and clerks of the Court were well paid, and they throve on the general distress, but the clients got nothing. Those persons who defrauded their creditors were sometimes imprisoned for a short period; but in general they were immediately set at liberty. Under such a system there was no encouragement for honesty, but much for roguery. There never was a system better calculated to corrupt a community than our system of Bankrupt and Insolvent Debtors' Laws. He did not mean to propose any improvement in those laws; but he must say, that the system must be improved, for it was unbearable. It was complained of from one end of the kingdom to the other, and in particular the practice of allowing the commissioners to practise as advocates was complained of every where, and by every body. The very rules these gentlemen laid down as judges they afterwards employed their talents to subvert: they employed their ingenuity to oppose their own decisions. As advocates, they were bound to urge all the reasons they could collect, in order to overthrow what they had themselves, as commissioners, laid down as law. Such a system could not be tolerated, and the House and the Government were bound to devise a better.

Mr. *Monck* was of opinion, that the Judges of the Bankrupt Court ought to be permanent, and ought not to be allowed to practise as barristers.

Vote agreed to.

4,034*l.* for the expense of the Alien Office, and contingent expenses, was voted.

The next Vote was for 6,882*l.* to defray the charge of Superannuation Allowances and Pensions of Public Officers, under the 50th Geo. 3rd c. 117, and the 3rd Geo. 4th c. 113.

Mr. *Lennard* complained that the Acts regulating the Superannuation Allowances were very unjust in their operation. They gave a large portion of their income, as a superannuation, to those who had large incomes, and only a small portion to those who had small incomes. He considered that the Acts ought to be amended.

Sir *John Newport* expressed his concurrence in these views. The regulation pressed hard on those who had small incomes, and was liberal to those who were amply provided.

Lord *Althorp* said, that he would not enter into the subject, as a committee had been appointed to inquire into it. There was, however, a point connected with that committee, to which he wished to advert. It had been some time appointed, at the suggestion of the right hon. Gentleman, but had never yet met. He had been for a long time a Member of that House, but he was not aware how he ought to act on such an occasion; or, as he was a member of that committee, he should have brought the subject under the notice of the House.

The *Chancellor of the Exchequer* said, the delay in the meeting of the committee was attributable to the circumstance of most of the Gentlemen on it being actively engaged on other committees. As soon as he could get an adequate number of members together, he should be most happy to meet them, and submit the views of his Majesty's Government on the subject to the committee.

In reply to an observation made by Mr. Gordon,

The *Chancellor of the Exchequer* said, measures had been taken to prevent all persons appointed to public situations, subsequent to last July, from having any claim on the public for Superannuation Allowances.

Mr. *Maberly* called the attention of the Committee to the provision included in this vote for retired stamp-masters, and other officers of the Linen Boards of Scotland and Ireland. The Boards were so useless, that the Linen Board of Scotland did not know what to do with the money confided to its care for the encouragement of the linen manufacture; and it had actually been obliged to advertise, in order to find means how to employ it. He thought, therefore, that it was high time to put an end to these Boards, and all their dependents and charges for superannuations.

Mr. *George Dawson* said, that the Superannuation Allowances of all kinds had been so amply discussed last year, and a committee had been appointed to investigate them this Session, that he could not think that it was necessary to defend the vote he proposed.

Mr. *Maberly* thought it strange that the House should continue to vote a sum for the encouragement of arts and manufactures in Scotland, and that, in the absence of any object to which it could be applied, the trustees should write begging letters, soliciting suggestions for the employment of the money. He thought the proper course would be, to recal the grant, now that it was found to be unnecessary.

Mr. *H. Drummond* observed, that the grant was made originally to encourage the growth of flax in Scotland, but that it ought now to be applied to other purposes, more congenial with the improvement of the age, for the benefit of Scotland. He doubted whether the funds in the hands of the trustees of the Board could be touched, as they were vested in them by Act of Parliament.

Mr. *Hume* observed, that the doctrine laid down by the hon. Gentleman was inadmissible. The money voted for a specific purpose was public money, and necessarily reverted to the public when it was not applied to the purpose for which it was given. Connected with this question he wished to ask, whether the office of Secretary, with a salary of 600*l.* a year, vacated by death, was discontinued?

The *Lord Advocate* maintained, that the fund was applicable to Scotland alone. It had been voted for the improvement of that country at the time of the Union, as an equivalent for the introduction of the Excise and Customs of England. With respect to the question put by the hon. Gentleman, he was able to state, that another Secretary had been appointed, but he was to do the duty without a salary.

Mr. *Hume* expressed his surprise, that the noble and learned Lord should have appealed for a sanction of the grant. He would ask the noble and learned Lord, whether the Union called upon Parliament to expend so much money as had been expended upon Scotch roads and Scotch bridges—whether it called upon them to lay out a million of money upon the Caledonian Canal? He should be very willing to strike a balance with the noble and learned Lord.

Mr. *Maberly* was of opinion, that the Trustees had no right to appropriate the money, and said, that the manner in which superannuations were allowed, and in which the Secretary had been appointed, were as gross jobs as ever were known.

Mr. *Hume* condemned the principle of superannuations altogether; and as an instance of the abuse to which it was liable, quoted the case of a young man named Anstey, 27 years of age, who, on the abolition of an office, the salary of which was 120*l.* a year, received 40*l.* a year superannuation. Besides, it had been determined in 1822, that those who were superannuated should be recalled, if any occasion required the appointment of new officers. But, in defiance of this understanding, not one had been recalled, though many new appointments had taken place. The system of superannuation ought to be put an end to altogether, for experience had fully shown that it could not be modified.

Vote agreed to.

13,647*l.* 10*s.* to defray the Pensions to Corsican Emigrants and Dutch Naval Officers was voted.

2,500*l.* for the National Vaccine Establishment was also voted.

3,000*l.* for the Refuge for the Destitute was proposed.

Mr. Alderman *Waithman* opposed this grant, upon the ground that the charity was misconducted.

Mr. Alderman *Atkins* defended the charity.

Lord *Howick* reminded Ministers of the pledge given to his hon. friend (Sir J. Graham), and suggested that the vote should be withdrawn for the present.

Vote withdrawn.

EMOLUMENTS OF THE PRIVY COUNCIL.] Sir *James Graham*, then rose and spoke as follows:—Sir, I assure you that I very much regret that his Majesty's Ministers should think it inconsistent with their duty to grant the Returns for which I am about to move. I must confess that I am both sorry and surprised at their resolution. I am sorry, because it will entail on me the necessity of exercising your patience for some time; and I am surprised, for I am at a loss to know upon what grounds they can intend to resist my Motion. I feel myself so strong in principle, that I think I may safely rest my case on general principles alone, without resorting to any other ground. The general principle is, that the Representatives of the people, the guardians of the public purse, are, as of right, to call for statements of what sums of public money have been received by any particular individual, or number of individuals, or class of individuals, and it is for the Ministers to show some special reason for the exception to the general rule. If I am right as to the general rule, it is incumbent upon Ministers to produce the Returns, and in the shape in which I now ask for them, as similar Returns have been asked for before, and have been granted. I asked in 1821 for a return of the places held by Members of either House of Parliament under the Crown, stating the income, salaries, and emoluments enjoyed by each officer, and specifying whether they were held for life, or liable to removal on the demise of the Crown—and that return was granted. There was another Return for the number of pensions and sinecures enjoyed for offices chiefly executed by deputy, which was also made. The House will observe, that in these Returns it is especially stated, what Members of either House are in the receipt of any income, salary, or emolument under the Crown. It therefore rests with the right hon. Gentleman to show the distinction and difference between the two classes—between the Members of either House of Parliament, and the members of the Privy Council. I allow that it is with the people of England a matter of Constitutional jealousy, narrowly to observe what part is pursued by the persons whom they return to represent them in Parliament, and what influence is likely to be exercised over their votes by the Crown. I admit also that the power of electing Privy Councillors makes some difference: it is competent for his Majesty to choose from either House such Members as he may choose for his Privy Council, and there are in it at this moment many Members from both Houses. But, Sir, I ask, upon what principle is it that there should be less jealousy observed respecting the Privy Council than has been evinced towards this House. It cannot be contended that the Privy Council is not a body recognized by the Statutes, and known to the House? Were it necessary, I could cite many authorities in proof of the fact, but I shall content myself with referring to three. I find that by the Statute of Henry 7th, it is made death, without benefit of clergy, to attempt or compass the life of a Privy Councillor. Secondly, there was another Statute, the 12th and 13th William 3rd which commands that no man born out of the kingdom, except of English parents, shall be a member of the Privy Council. The last is germain to the matter introduced by the hon. member for Aberdeen the other night—it is an Act of Anne, and provides that the Privy Council shall continue for six months after the demise of the Crown, unless sooner determined by the successor. The Privy Council, therefore, is a body known to the law, and it is known to this House; for I think I have frequently heard it stated by you, Sir, from that Chair, that an Address to his Majesty should be presented by members of the Privy Council. If, then, I am right, upon the general principle that members of this body are liable to public scrutiny, as well as Members of this House, being fully recognized by the Constitution, the onus of the proof why, in this instance, there should be any exception to the general rule, lies on the right hon. Gentleman. And if he fail in this proof, I consider, Sir, that I have a right to demand the Returns for which I move. But then the right hon. the Chancellor of the Exchequer objects to my Motion, saying, that the Return I ask for is superfluous, since the Return moved for by the hon. member for Lincoln will fully answer the purposes I have in view. Now, with the permission of the House, I will read the motion of the hon. member for Lincoln. It is conceived in these terms. [The hon. Baronet then read the motion for a Return of the Persons in our Civil or Military Establishments, holding two or more Commissions, Offices, or Pensions, Pay, or Allowances; specifying the date of the Office, and the Amount received by each Person, for the year 1829]. Now, Sir, this is the Return moved for by the hon. member for Lincoln; and I think I shall be able to show the right hon. Gentleman himself—and I am sure he will have the candour to acknowledge it—that this return would not answer my purpose. The Return, be it observed, is for those persons holding two or more commissions, offices, pensions, pay, or allowances, in our civil or military establishments. Now it will be my duty to analyse the Privy Council; and I have to state that there are only thirty of its members who hold two offices, while there are 113 who hold offices under the Crown. If, therefore, I contented myself with the return of the hon. member for Lincoln, I should only have had there thirty pluralists, while the remaining eighty-three would escape unnoticed. This, then, Sir, I submit, the right hon. Gentleman must admit is a reason perfectly conclusive in favour of my persevering in the course I deem it proper to pursue. Sir, in now bringing forward this question, I may be exposed to something like taunts when I allude to the document on which I propose to ground it. It is one which I have endeavoured, at the expense of much time and labour, to form with all possible accuracy from returns laid before this House; but as they are scattered over an immense space, and appear in the intervals of a long period, I may not always have succeeded in avoiding errors. Besides, for some offices and places there are no returns at all. In these cases, however, I have obtained the best information that could be procured except a Parliamentary Return. But before proceeding further, I think it well to state, that it is not my wish to say anything that may appear unkind or invidious towards any Gentleman. My Motion is of a peculiarly delicate and painful nature; and notwithstanding the allusions of the right hon. Gentleman on a former occasion, I hope I shall forget nothing that is due to the feelings of individuals. The course I shall pursue will be to analyse this document. I will divide the Privy Council into classes; and doing so, I shall, in the first place, except the Royal Family; they derive their incomes from the votes of this House, and by Act of Parliament; there is nothing mysterious about them; they have frequently been considered and discussed in the Commons House. There are then, as far as I can ascertain, 169 Privy Councillors, exclusive of the members of the Royal Family; of these 113 are in the receipt of pay, pensions, or allowances, to the annual amount of 650,164*l.* The average amount distributed to each individual will be about 5,753*l.* Of these emoluments, 86,103*l.* is paid for sinecures; 442,000*l.* for active service; and 121,650*l.* for pensions. Of these 113 Privy Councillors, thirty are pluralists—that is to say, they either enjoy sinecures in conjunction with some post of active service, or they at the same time fill civil and military situations. The total amount annually received by them is 221,130*l.* The average amount distributed to each is 7,371*l.* The number of Privy Councillors receiving diplomatic pay is twenty-nine. The gross amount received by them annually is 126,176*l.* The average amount distributed to each is 4,347*l.* Of the 113 Privy Councillors, sixty-nine are Members of either House of Parliament. Of these sixty-nine, forty-seven are Peers, and they receive 378,840*l.*; or on an average, each receives 8,069*l.* Twenty-two Members of the House of Commons are also members of the Privy Council, and they receive 90,849*l.*; or the amount distributed to each is about 4,130*l.* The House will remember that of the 113 Privy Councillors who are in the receipt of the public money, sixty-nine are Members of either

House of Parliament; and I can state that twenty-nine others hold offices, or receive money, who did hold seats in the House of Commons when the office or the emolument was obtained. The number of Members of the House of Commons who are also Privy Councillors is thirty-one; of those, twenty-two are in the receipt of the public money. Now, I have given to the House a complete and entire statement, to the best of my ability and belief, of the question respecting these offices and emoluments as it fairly stands. I cannot positively take upon me to assert that there are no mistakes—a few errors may have unavoidably crept in; but I am quite sure the statement is as near the truth as a person not official could possibly bring forward. If the right hon. Gentleman objects to it, and says it is not accurate, my answer is simply this—grant me my Motion. Grant me my Motion. I call upon the Ministers to join issue with me, so that the people of England may be satisfied. And now, Sir, I think it my duty to state another fact, which I can bring forward with more certainty, because it is founded on a Return from the Treasury, for which I myself moved. It is a Return of the number of persons employed in the Public Offices in the year 1797, and also in the years 1805, 1810, 1815; also specifying the number of persons employed in 1827, and the reduction made since 1819. Now here I may observe, that it is a singular fact, while comparing the number of persons employed in 1797 and 1829, that the price of Wheat, which, after all, is the true standard, was, at both periods, nearly the same. There was only a couple of shillings difference. Now, comparing the amount of money paid to persons employed in the public offices in 1797 and in 1827—in 1797, the amount paid was 1,374,000*l.*, there being then 16,207 persons employed; in 1827, it was 2,788,000*l.*, the number of persons employed being 22,912. This is a comparison between the two years, as made upon a former evening. The average amount, paid to each person in 1797 was 84*l.*, in 1827 it was 121*l.*, making a difference of nearly thirty per cent; and as to the numbers, it is a thing extracted from this Return to which I have alluded. It may be important, also, to remark, that in 1810 Wheat was 105*s.* a quarter, at present it is 56*s.* Now, a point that has been argued is, that fees were paid to certain officers before 1812 which were subsequently abolished; and thus it came to pass that the appointments before this period appeared smaller, while subsequently they appeared larger than they really were. This is published in a book by Mr. Dean, the chairman of the Board of Customs, in answer to the book of my right hon. friend, the chairman of the late Finance Committee, whose work I look upon as one of the highest value, and always consult as my manual upon questions like the present. But even from this statement, the saving effected appears to be a matter altogether insignificant. The whole amount of fees abolished was 160,000*l.*; and now, taking into consideration that Wheat is now 56*s.* the quarter, and was then about 105*s.* a quarter, let us see what is the difference between the years 1810 and 1827, considering the number of persons employed, and the salaries paid to them. In 1810 the number of persons employed was 22,931, and the sum paid to them 2,822,000*l.* In 1827 there were 22,912 persons employed, and the amount paid to them was 2,788,000*l.* Thus it appears, there were only twenty-one persons fewer employed in 1827 than 1810; while the difference in the expense was less than 100,000*l.* In what state, then, are we, unfortunate country gentlemen, placed? The price of Wheat, as I have stated, differs nearly by one-half; thus we are called upon to receive half prices, and to pay double annuities; while the persons employed receive double annuities, and pay but half the price. This presses heavily, not only on the gentry who have large estates, but on the whole community, and they regard it, as the Commons of England well may, with jealousy, and on it they ought not to hesitate to pronounce a strong opinion. Sir, I shall not detain the House long; but there are a few points on which I wish to speak. On a former evening I happened, in terms which were very displeasing to the other side of the House, though they were uttered with entire sincerity and singleness of purpose on my part—to state that I for one could never consent to begin reduction with humble and powerless individuals, while those possessing influence, and power, and property were suffered to pass scathless. Sir, I cannot suffer these persons to go scot free. This does not fall in with my notion of justice; and I for one will never cease to urge his Majesty's Ministers to turn their attention to this most important question without loss of time. I might bring forward many illustrations in proof of the facts I have stated. There is, for instance, Mr. Penn, who is superannuated on an allowance of 750*l.* per annum, and who, being unfit for active service, has been made agent for Ceylon, with a salary of 1,200*l.* a year; this I should call an objectionable proceeding: but why should I stoop to complain of this, when there is my Lord Cathcart, who, with emoluments to the amount of 2,000*l.* a year in this country, enjoys the post of Vice-admiral in Scotland, with a salary of 2,013*l.*, and all his military allowances as a general officer and a colonel of a regiment. I cannot think, Sir, of touching Mr. Penn's salary till I have reduced and regulated Lord Cathcart's emoluments. Again, there is Mr. Browne, enjoying a salary of 1,200*l.* for a situation in the civil department of the army, while he at the same time receives half-pay as a commissary. Nothing, it is true, can be more improper, or more opposite to all principle and justice than this; but when I look at the gallant Admiral opposite—and I am sure he will excuse my frankness, and I might almost say boldness, in thus alluding to him, for these attributes are supposed to belong almost exclusively to his own profession—I say, when I look at him, I could not be dastardly enough to complain of Mr. Browne, and pass over the far greater emoluments enjoyed by one much higher in rank and official station. The gallant Admiral, in addition to his salary of 1,000*l.* as a Lord of the Admiralty, receives the full pay of a Major-general of Marines, and, if I am not considerably misinformed, he has lately been paid 3,000*l.* as arrears of half-pay. And now, if the House will allow me, I will read the form of Oath administered to all Lieutenants in the Navy, and the other subordinate officers, before they can receive their half-pay; here is the Oath:—"I,   do swear that I am not in holy orders, and that I had not, between the   day of   and the   day of   18   , any place or employment of profit whatsoever under his Majesty, nor in any department of his Majesty's service, nor in the colonies or possessions of his Majesty beyond the seas, nor under any other government." This is the oath the junior officers must take, while their superiors are exempted from any such restriction. Is this just? Is it right that the gallant Vice-admiral opposite, who is in the enjoyment of his civil emoluments, and of his full-pay as a Major-general of Marines, should be exempt from taking an oath of this kind while it was imposed on a poor Lieutenant? I might now mention another case—that of the Vice-president of the Board of Trade, who, we were informed the other night, was oppressed with such a redundancy of business, that he had not a single moment to himself, yet he receives 600*l.* a year as agent for the Cape of Good Hope. Then there is the First Lord of the Admiralty, who enjoys his salary of 5,000*l.* a year, which, be it remarked, was considerably augmented during the war—at the period of high prices—and who, in addition, has a large sinecure in Scotland of 3,150*l.* per annum as Keeper of the Privy Seal. In like manner, I might complain of the Commissioners of Customs and of Excise, who received large augmentations of their salaries in 1801, and in 1816, on the alleged ground, as stated by a Minister in this House, of the diminished value of money and the increased price of provisions, and whose salaries have not been reduced since money has risen in value, and all things have fallen in price; but, Sir, there would be no justice, no principle, no honour in this, while my Lord Melville or my Lord Rosslyn, holding the Privy Seal of England, a sinecurist in Scotland, and the receiver of large military emoluments, can be presented to our notice. I confess that all this might not be sufficient to entitle me to my Motion. I accordingly feel bound to state the parliamentary objects I have in view. My first and great object is to see if the service rendered be equivalent to the sum of money which is paid for it. My second object is to inquire, if the rule that half-pay should abate on taking civil office, should not also apply to full pay; and my third is to ascertain, whether retired pensions and allowances of Ministers should not abate when they return to office. These are the three substantial grounds on which I move for my Return; and if it be granted to me, I pledge myself that I will bring these questions fairly before the House. I hope the House will consider them not unworthy its attention; and if it do not, I must declare that this Return is necessary to enable me to bring them fairly forward. The hon. member for Newcastle has introduced a motion respecting Superannuations; it is a question blended with all our civil establishments; but from the mode in which it is treated, one would suppose it was now introduced for the first time—that it had never been mooted—that it had never been discussed before; but what is the fact? That it was most amply and ably discussed by the Finance Committee—that committee upon which the right hon. Secretary for the Home Department once lavished such high praise, saying it was formed of the most talented and experienced men in this House, at least as far as financial matters were concerned. And what did the Finance Report state? First, the alarming fact, that 484,000*l.* was paid for persons in a non-effective state, while 4,371,000*l.* was the expense of the effective, or one-ninth of the whole sum was paid to those in a non-effective state; and the Report went on to say—"That no half-pay should be payable to any officer holding any other office or employment, civil or military, under the Crown (except in certain staff situations), or in the service of a foreign state." And, Sir, this regulation is acted on with rigour, as far as it affects the humble and defenceless classes; and certainly the principle is a sound one; but it should be universally applied. The Report then adds—"They are far from being disposed to discourage the appointment of individuals who have served their country in the military and naval professions to civil employments; but when those individuals adopt the civil service, the committee conceive they should receive the same remuneration for it as civil servants would receive, and no more. Upon a careful consideration, therefore, of all the principles and circumstances affecting this part of the case, the committee recommend, in the strongest manner, that the payment of all half-pay be forthwith replaced upon the footing on which it stood previously to the year 1820, with respect to all military or naval officers hereafter to be appointed to any civil employment or office under the Crown, or under any foreign government." Now, here a positive recommendation is distinctly given (I may say distinctly, since it was, in chief part, the work of the Master of the Mint, who earned such high praise by the assiduity, precision, and financial talent he displayed in that committee); and why did not the Government, after all their professions, accede to it. The defence of the Government is, that they are not to blame—that they did all they could to reduce the Superannuations to the standard of 1820; that is to say, to reduce them one-tenth, and the Chancellor of the Exchequer plumes himself on having introduced a bill upon the subject. This he did on the 2nd of July, 1828; but as he stated, the opposition was so strenuous—so insurmountable—that he was compelled to yield. The persons who so irresistibly opposed this bill were, the hon. members for Lincoln, for Dovor, for Bristol, my gallant friend the member for Southwark—the hon. member for Inverness, who had only left office about five weeks before; the hon. member for Newcastle-under-Lyne, who was in a similar situation; and the Vice-president of the Board of Trade. These were the hon. Gentlemen who so triumphantly opposed the second reading of the bill. But I beg the House to attend to the very words of the Chancellor of the Exchequer, who so zealously, and faithfully, and enthusiastically brought forward this measure. The Chancellor of the Exchequer, in proposing this bill, said, "I feel that this measure is particularly severe, and I particularly regret the necessity of proposing it." Yet, after this strenuous support, it was stated that it was the fault of the House that this measure was not carried. The House will, I trust, observe to what the expressions of the Report, and the sentiments of this trustworthy committee bore: it was, as I have stated, in returning to the practice of 1822, to reduce all these allowances one-tenth. Yet the Chancellor of the Exchequer gave up the question, even without a division. Well may we then ask—

> "——— cur indecores in limine primo
> Deficimus? Cur ante tubam tremor occupat
> artus?"

And, Sir, humble and undistinguished a Member as I am of this House, I will take upon me to declare, that if Ministers will only afford me their support, I will undertake to carry this repudiated Act triumphantly through the House in the course of the next week. But what has the Chancellor of the Exchequer done? He has referred the question to another committee. And to a committee how constituted? I will tell the House. But in this, too, I will abstain from all personal allusions, contenting myself with a general description. Let me first state, however, that in the Finance Committee there were six Ministers, two Ex-ministers, eight Members of counties, seven Representatives of cities and boroughs. The present committee on the Superannuations consisted originally of eighteen Members. My right hon. friend, the Chairman of the late Finance Committee, has been since forced upon them, and, to counterbalance him, they have added a Ministerial Member; there are now, consequently twenty Members, of which four are Ministers, four Ex-ministers, six county Members, five Representatives of cities and boroughs. Thus nearly one-half the committee consist of Ministers or Ex-ministers. Before I sit down, I beg to refer to the argument with which I know we shall be met upon this occasion, as we have often been met before —I mean by the argument of vested rights. If the House will pardon me, as that argument has been answered in better language than I could possibly use—in terms, too, most carefully considered by the noble Lord who used them—I will quote them from the last speech delivered in this House by the Marquis of Londonderry. It was upon a motion, in which, in opposing the opinion of Mr. Canning on this subject, the noble Lord said, "If this notion of vested interests and freehold rights were to go forward, then there must be an end of legislation—these rights and interests would meet them at every turn, and put a stop to every measure, however beneficial or necessary. Why should the public offices be conducted on a plan different from private concerns? If a banker or private merchant wished to remove a clerk, or to lower his salary, he did it at once. Now, would any man contend that that clerk would have a right to turn round and say 'I gave up a fellowship at College, and a place in the Church, to accept of your clerkship, and therefore you ought not to dismiss me.' If any hon. Member on the other side were to bring forward a Motion of this kind"—Aye, Sir, these were days before we, on this side of the House, had transferred our services to the Crown, and had deserved by our conduct the name of "his Majesty's Opposition"—"If any hon. Member on the other side were to bring forward a motion of this kind and he (Lord L.) were to meet it by saying that the salaries in the public offices were vested rights—were a kind of freehold, and could not be tampered with, the idea would be scouted."* These, Sir, were some of the last words of that noble Lord in this House. They merit our praise, for they were true—they deserve to be inscribed on our recollection, and I trust that they will not be forgotten in the vote of to-night. It is the higher classes of offices that are the subject of my Motion; it is they upon whom I propose to take your vote to-night; it is they who are included in the Returns for which I am about to move. I seek to regulate them, and until I see these returns denied me by the vote of this House, I will not believe that even the influence of the Minister of the Crown will be sufficient to refuse them. I have read somewhere, and I fully subscribe to the truth of the observation, that the mark of a wise and prudent Government, and that which distinguishes it from an unwise and imprudent Government, is well to know the time and manner at which no longer to refuse what is demanded of it. Let the Government now show its wisdom and prudence; for if ever there was a time when the people of this country imperatively demanded a searching scrutiny into the public expenditure, it is at this moment. I will put to public proof the question whether the conduct of the Ministers deserves to place them high in public opinion, on the score of the use they make of their patronage? On that subject we have a pledge of theirs most solemnly put forth, that they would voluntarily make every saving required by the public interest, and capable of being carried into execution consistently with the public safety. I will put that pledge of their's to the test. I will propose a measure of substantive retrenchment, economy, and reform. That is the issue which we are to try to-night. On a former occasion I yielded—I took their pledge. Let them now redeem it—let them give me these returns, and we shall then see whether they have been willing to keep good faith with this House and with the people of this country. The hon. Member concluded by moving for "Returns of all Salaries, Pay, Profits, Fees, and Emoluments, Civil and Military, received between the 5th of January, 1829, and the 5th of January, 1830, by the Members of the Privy Council, the amount paid to each individual, the cause for which paid, and the source from whence derived."

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* Hansard's Parliamentary Debates, New Series, Vol. vii., p. 1848.

The *Chancellor of the Exchequer* said, if I rose, Sir, to address the House under the feeling that I was about to propose anything to obstruct the inquiry which the hon. Baronet is desirous of instituting; if I rose to interpose any obstacle to a plan of general reduction of expenditure or abolition of sinecures—for the better regulation of the half or full pay—or if I intended to deny the hon. Baronet the means of bringing before the House this particular question, I might present myself to your notice with feelings of greater diffidence than I do at present. But, Sir, I have not, and the hon. Baronet knows I have not, any such intention. I am prepared to grant him a Return, or more than one return, which would fully satisfy him, and which will more distinctly and fully give him the means of attaining the object which he desires. Let me, Sir, now state the causes of the difference of opinion between us. The hon. Baronet, with that courtesy which distinguishes him, and which is most conducive to the easy and convenient transaction of public business, stated to me the motion he was about to make, and asked me whether I had any objection to it. I told him that I did not object to give the information, but that I objected to the particular form in which he demanded it. I told him that there were Returns already ordered, and likely soon to be upon the Table of the House, which appeared to me sufficient to answer the purpose he required. The hon. Baronet said, that these Returns contained a large mass of information, from which it would be difficult to collect the particular instances he adverted to. I met this objection by telling him that I should most readily concur in granting Returns of any limited number of offices, the amount of the salaries paid, and also that there was no member of the Government, whose emoluments he wished to ascertain, the account of which should not be laid distinctly and clearly on the Table of the House. Is there, then, in this, Sir, any evidence of a disposition to conceal from him, or from Parliament, the amount of the emoluments he says he wishes to discover, and which he is anxious to reduce? Is there in that any wish to withdraw from observation those emoluments, so as to deprive him of the means of applying that pruning-knife which he deems those emoluments to require? Or is there any proof of that interference to prevent the attainment of those objects which he has this night stated in detail? He objected to the Returns, because, he said, they might appear invidious or personal. I do not wish to estimate what is his view of what are invidious or personal observations; but if I had to pronounce what appeared most likely to come under the imputation of being so, I should have said that that course which called for an account of the emoluments of officers, by the names of the offices, was less invidious and personal than that which was adopted by the hon. Baronet, and which was accompanied by a speech delivered in terms such as those he has thought fit to couple with this Motion. The difference between us was, whether he should select the Members of the Privy Council, as the persons an account of whose emoluments was to be laid on the Table of the House? I told him that I knew no precedent in which the Members of the Privy Council, as such, had been called on for an account of their emoluments; for that they, as members of the Privy Council, did not necessarily receive any emoluments from the public. They are a body comprising persons who, undoubtedly, receive emoluments from the public, on the whole, perhaps, to a very large amount. To bring forward a motion for the emoluments of the Members of the Privy Council was not, as it appeared to me, treating with sufficient respect a body composing the Council of the Sovereign, and a high judicial court—it was treating them in an invidious point of view; and it was not advisable I thought to depart from precedent, and to establish the principle that classes of men were to be held up to obloquy, not because of the situations they held, but because they enjoyed a high dignity at the same time. The hon. Member states, as a justification for his Motion, that the House has called for an account of places held by Members of Parliament. He thinks that this fact is a triumphant answer to my objection. But can he not see the distinction (sufficiently marked, I should think, to others) between this House requiring an account of offices held by Members of its own body, and calling for an account of offices held by the Councillors of the Crown? The one may be necessary for the protection of the privileges of the House—for the purpose of purging the Members from the imputation of acting under an undue influence of the Crown—for the purpose of protecting the liberties of the people, by knowing how many Members there might be within the House subject to the imputation of abandoning the assertion of the rights of the people in consequence of the emoluments they received from the Crown. In such a case there is an intelligible ground for the interference of Parliament. If the hon. Baronet's Motion had been so framed, there would not have been an objection for one moment to granting it. Is there any man who believes that the appointment by the King, of Privy Councillors, not because they are Members of Parliament, but on account of their judicial learning and ability—I say, is there any man who believes that such an appointment operates against the independent discharge of their duties elsewhere? Let the hon. Baronet consider of whom the Privy Council consists. He will then see the difficulty of granting his Motion. He begins his detail by excluding the most illustrious of the members of the Privy Council. He says, that he does not allude to the Members of the Royal Family; although certainly, by the words of his Motion, an account of the sums they receive is called for. The next persons in the list are the Archbishops of Canterbury and York.

Sir *J. Graham:* I exclude them.

The *Chancellor of the Exchequer*: There is no such exclusion in the Motion.

Sir *J. Graham:* The Motion is confined to members of the Privy Council holding offices, either Civil or Military, under neither of which heads, at least, as I conceive, can these most rev. Prelates be included.

The *Chancellor of the Exchequer* continued: The hon. Baronet knows that the first Judges in the land are included in his Motion. They have received their salaries from Parliament; yet still they are brought in for their share of the obloquy cast upon the Privy Council by this Motion; and their emoluments serve to swell the list which the hon. Baronet has so circumstantially enumerated. In the next place, it includes the men who are receiving rewards for services performed for this country—men whose names are recorded in the page of our history, and the recollection of whose services will descend to our latest posterity; and yet these men, too, are, by this Motion, held forth as undeserving of public emoluments; and they, too, serve to swell the list of grants of money that have been conceded to members of the Privy Council. Considering these things, Sir, I object to the form of the hon. Baronet's Motion; and I tell him that I think he may reach his object by the motion which I now propose. He has not confined himself to the discussion of this simple question which is in issue between us—he has not contented himself with stating what is necessary for the purpose of this Motion, but he has gone into a much wider field, and has travelled into a history of the conduct of the members of his Majesty's Government, and has commented upon some of the transactions which have recently taken place. He has adverted to the question of the Superannuation List—he has imputed to the members of his Majesty's Government that they did not, with respect to that question, act with sincerity; and he has personally charged me with a want of correctness in the discharge of my duty. I beg distinctly to repudiate the charge. He has no right to make that charge against me. He tells me that I brought forward the Motion on that question in such a manner as to delude the House. He says that I supported it weakly, and withdrew it hastily; that the opposition was feeble, yet that the measure was withdrawn. He ought to know that it is not always the strength of the opposition that decides a question—it is frequently the weakness of the support that leads to the abandonment of the measure. I came down almost immediately after the Finance Committee had recommended the measure; I came down, Sir, on the 2nd of July, in the full confidence that as it had been agreed to in that committee, I should have the support of every member of that committee, who knew as well as I did that much prejudice and feeling were to be overcome before that which we all agreed ought to be adopted could be passed into a law, and before that which had been already enacted could be repealed. I came down, I say, Sir, expecting the ardent support of the hon. Gentlemen who had agreed to that measure in the committee. Let the hon. Baronet say which of his friends supported that measure. The hon. member for Aberdeen, who, on other occasions, was never absent from his duty, did on that occasion forbear to attend. The hon. Baronet himself was absent [*Sir J. Graham intimated that this was a* *mistake.*] It is true he was present when I moved the bill, but on the second reading, when it was thrown out, he was absent. When he states that I withdrew the bill—that I withdrew it without a division—he ought to know that I did so, because I thought that it would be better that the measure, if introduced again, should be without the slur of having previously had a negative cast upon it, I made that statement at the time; and if my right hon. friend the Secretary for the Home Department were now in his place he would confirm what I say. When, therefore, I am taxed with indifference on the subject of the Superannuation Bill, I must deny the charge. It was impossible at that moment to carry that bill. I have not been so long in Parliament without knowing something of the manner in which the measure of the evening is likely to be decided; and not only was my opinion, founded on my own experience, settled as to the impossibility of carrying that measure, but I received and acted on the assurance of my friends around me to the same effect. Parliament rejected the proposal to make a reduction from the salaries of public officers for the purposes of that bill, but though Parliament did not then agree to that measure, did I abandon it? Far from it—I said it was one in which it was open to the Government to take certain steps to effect its object; and a Treasury Minute was passed, declaring that any person who should be afterwards appointed to an office should have an annual deduction, to a specified amount, made from his salary, with a view to provide a Superannuation Fund, until Parliament decided what should be done with it. Besides this, I have prepared a bill for the application of these reductions; and this bill is much better than the other, since the public will not be called on to pay one-half of the superannuations; but the understanding has been, that these deductions shall provide for the whole fund. I doubt whether, after this, any man will be disposed to believe, with the hon. Baronet, that I was insincere on that point, or that in moving for that bill I did not do my utmost to secure success to the measure. If any man be, however, disposed to believe the charge of the hon. Baronet, let him look at the measure I have taken the pains to prepare, and let him and the House decide whether the individual who now addresses you is desirous to remedy that which all admit to be a great and increasing evil. The hon. Baronet intimates that the appointment of the committee to inquire into Superannuations was altogether a delusion; he suspects the members of it; but his suspicions are as unfounded as those he entertains with regard to myself. I have put upon that committee men who have given the subject the fullest consideration. There is my right hon. friend the Secretary at War, who has prepared estimates of the reduction of the expenditure. I also put upon it my right hon. friend the Master of the Mint, because he had drawn up the resolutions to which the Finance Committee had agreed. And yet, because I put these right hon. Gentlemen on the committee—both men of ability and zeal—I am accused of having tried to practise a trick. But another part of the hon. Baronet's charge is, that I put Ex-ministers upon the committee. When he makes this a charge against me, and implies that Ex-ministers are men calculated to favour the views of Government, is he so little experienced as to think that a Minister departing from office is of all persons the most likely to abet the schemes of the person who is appointed to succeed him? Is that his experience? I, who have more experience of Parliament, should say, that if I wanted individuals who would be thoroughly impartial — individuals who, not being influenced in favour of Government, were yet those who knew the whole details of the subject, and had no personal feeling to prevent their searching to the bottom of it, I could hardly have chosen persons more fully answering that description than Ex-ministers. I despair of convincing the hon. Baronet, but I throw myself on the knowledge of the House, and entreat it to give the Government a fair trial as to the measure it will introduce, and which, I trust, will effect the object which the committee originally proposed. I cannot leave this part of the subject without one other observation: The hon. Baronet complains that, in making up that committee, I omitted the Chairman of the Finance Committee. It is true, I did omit his name; but no sooner was the omission suggested to me, than I most readily added it to the list. I am not anxious to convince the House of my great capacity for the business of that office with which his Majesty has been pleased to intrust me; but I do feel most anxious that the House should not suppose me incapable of this double-dealing, and which I most solemnly affirm never for one moment entered my mind. There are other parts of the hon. Baronet's speech to which I might be tempted to reply, if he had not given an intimation that occasions would hereafter occur in which they might be more favourably discussed. At this late hour, and after the fatigue the House has already undergone, I will not go into these questions—questions which I do not avoid, and only forego now, as at another time there will be a full opportunity for their consideration. The individuals he has alluded to, do receive emoluments from the public. First, there is Lord Cathcart, whose services to his country have been rewarded by a pension, which it is true he retains, although he still holds office. I do not believe it was the intention of the Parliament which made the grant, that that grant should not be held together with any office the noble Lord might afterwards hold. There are other individuals who receive emoluments in the shape of sinecures, but they are rewards given for the services of their ancestors. In considering this question, I beg him to bear in mind the circumstances of the individuals to whom he has alluded as birds of prey, feeding on the vitals of the Constitution.—[Mr. Brougham: That expression was retracted]. I apologise.—[*Sir James Graham bowed in acceptance of the apology.*]—If these offices are now held by individuals who fill public situations, it is not by the culpability of the present Ministers, but in consequence of the former mode of remunerating public servants. It was then the practice to reserve sinecures for those who might not be able to provide for their families by the services they performed, but who were thus enabled to make provision for those who came after them; and if the hon. Baronet looks at the list, he will find the salaries less than those which have since been conferred for the same offices; and in this manner they provided for their descendants, instead of having a retiring allowance, which Parliament subsequently provided as a substitute. If we have since thought an advance in the salaries of Chief Justices and Chancellors necessary, that they may not need these means of providing for their families, I hope that the hon. Baronet will not consider the change carries blame to those who hold offices which have been granted by the Legislature as a reward for public services. If I have, in the course of my observations, said anything that has given offence to the hon. Baronet, or the House, I shall regret it; but I trust the House will pardon me, if, in the endeavour to vindicate my own character, I may have displayed some warmth, feeling, as I do, every possible desire to stand well with the House. I beg leave to move an Amendment to the hon. Baronet's Motion—an Amendment, which, with one exception, is in almost the same words as his. The right hon. Gentleman then moved an Amendment, in which, instead of the words "of all Salaries received by members of the Privy Council," were introduced, the words "Salaries received by Public Officers," and of these the right hon. Gentleman proposed to limit the Return to Salaries exceeding 2,000*l.* He continued—I propose, then, to limit the Return, as the number would otherwise be too great for any useful purpose; but I have left the amount at present, a blank to be filled up as the hon. Member may please. This Amendment will, I think, prove to the House that I do not wish to obstruct the hon. Baronet in his reformation of public abuses.

Lord *Milton* accused the Chancellor of the Exchequer of wishing to defeat the object of the Motion by the Amendment. He maintained that the House of Commons had not only a peculiar right, but an imperative duty, to inquire into the salaries and emoluments of the Privy Council—a body recognised by the Constitution, and responsible to Parliament. The object of the Motion, he contended, was to ascertain whether the Ministers had meted the same measure of justice to persons in high stations that they had meted to individuals in subordinate capacities. It was not directed *ad invidiam* against any individuals, but to procure valuable information with regard to the influence exercised by the Crown over the whole body of the Privy Council. He trusted that the much-boasted economy of the present Government would not be found such as while it stripped the indigent, left the wealthy to wallow in the full amount of their emoluments. He was surprised that the gallant Lord of the Admiralty particularly referred to by the hon. Baronet, had not attempted to refute what had been advanced against him. Until it was refuted, the statement would carry but a bad face to the public. The distress (although somewhat exaggerated) prevailing in some parts of the country, ought to induce the House to examine matters of this kind minutely, for taxation was the great evil under which the country groaned, and which, if not lessened, would be ultimately destructive of the interests and power of the kingdom.

Sir *G. Cockburn* said, I did not rise before, because I took it for granted that the hon. Baronet meant to bring forward all the cases in a distinct shape when he had obtained the information he seeks by his Motion: as, however, the noble Lord has thought proper to call upon me, and to call upon me in no very delicate terms—in a manner in which I should be extremely sorry to address myself to his Lordship—the House will forgive me if I obtrude myself on its notice in order to state the nature and amount of my emoluments. Those emoluments will appear in the Return when it is laid upon the Table. I am by no means ashamed of them, because I have endeavoured to earn them by a conscientious discharge of the duties attached to my office. The situation of a Sea-Lord of the Admiralty, it is well known to most hon. Members, though, perhaps, not to the noble Lord, has always been considered worth 1,500*l.* a year; the Lay-Lords receive 1,000*l.* a year, but the Sea-Lords have 1,000*l.* a year and their half-pay as Admirals, amounting to 500*l.* a year. So much for my office as a Lord of the Admiralty. It has pleased his Majesty, as a reward for the services—the poor services I have been able to render—to confer upon me also the high rank of Major-general of Marines: there are but three such officers of this rank, and I have the good fortune to be one of them. This, give me leave to add, is entirely independent of my situation in the Admiralty, and it was not thought necessary to take from me the salary then due to me because I had been made a Major-general of Marines. I am willing to admit, that, very undeservedly, I have attained the highest station in the Admiralty which can be given to a man in the naval profession; but I deny that it is to be looked upon entirely as a civil situation, because no civilian can hold it. I have been placed in it, because, as a naval officer, I am supposed to be well acquainted with the service and its details. I am obliged to be always resident in London; and, including my salary as Lord of the Admiralty, my pay as Major-general of Marines, and my half-pay as a naval officer, give me leave to say, that I do not receive as much as is paid to a Secretary of the Treasury, or to the Secretary of the very Board of which I am a member. In the whole, I am free to confess, that I do not receive as much as 2,500*l.* a-year. It is well known to the House, and to the country, that men of our profession have not usually large fortunes. God knows I am not an exception to the rule; and placed at the head of this great service, and constantly resident in London, I can assure the noble Lord, with the expenses to which I am necessarily exposed, were I to go out of office to-morrow, I should quit the service of my country a loser by its bounty. In addition, I may be allowed, perhaps, to assure the House, that I have made no inconsiderable sacrifices by the course I have taken. While I have been endeavouring, late and early, to do my duty here, others in the same profession on different stations have made five, or, I may say, ten times as much in the year as the whole salary I receive. Putting it in the most invidious way, I may assert, that the 1,000*l.* a-year as a Major-general of Marines, has been given me as a reward for past services, valued by others far above their real worth. I will not trouble the House further about myself and my merits. I have explained exactly the situation in which I stand; and if it shall be the pleasure of Parliament to pronounce that "the labourer is not worthy of his hire," I shall retire without hesitation; but I trust without deserving to be addressed in the temper and the tone assumed by the hon. Baronet and the noble Lord.

Mr. *Hume* explained the difference between the Motion of his hon. friend (Sir J. Graham), and the Amendment of the Chancellor of the Exchequer. The Motion required a statement of the Emoluments of all the members of the Privy Council: the Amendment went no further than to give a return of the Emoluments of Public Officers. There might be many Privy Councillors who received public money, but were not public officers, and thus only half the information desired would be supplied, and it would not show the extent of the influence of the Crown in the Privy

Council. It would, therefore, be perfectly futile in the hon. Baronet to accept the Amendment as a substitute for his Motion.

Sir *J. Yorke* complimented the hon. Baronet on the tone and temper of his speech, which did him the highest honour. He rose principally to state, that the Chancellor of the Exchequer could have no possible reason for concealing what was required, if all the Privy Councillors receiving emoluments could make out as good a case as his right hon. and gallant friend (Sir G. Cockburn). He could perfectly understand why the House should wish to possess the returns moved for, and it had a right to know that the salaries paid out of the pockets of the people were earned. He agreed with the hon. member for Aberdeen, that the Amendment would only give half or two-thirds of what was wanted, and he should therefore support the original Motion. A libel had gone forth generally, that all the taxes levied upon the people were lavished upon the aristocracy, and it would be highly advantageous that the notion should be satisfactorily contradicted.

The *Chancellor of the Exchequer* said, that he was perfectly ready to amend his Amendment by expunging the words "public officers" and substituting "all persons."

Mr. *E. Davenport* apprehended, that the return, as required by the Amendment, would be so voluminous as to occasion a delay of two or three months, when the House would have been dismissed for the Session. He wished to know when it was likely that it would be laid upon the Table?

The *Chancellor of the Exchequer* replied, that an abstract could be speedily made from documents already prepared.

Sir *H. Hardinge* thought it justice to Mr. Browne, a most deserving individual in the department of the War-office, to mention, that he had served the public for five-and-forty years, and that all the emoluments he now received, as a supposed pluralist, had been allowed to him while he was private secretary to General Fitzpatrick: his whole salary, from whatever quarter derived, had been assigned to him by a Minute of Treasury of the year 1806.

Lord *Althorp* observed, that the importance of the Motion had been raised in his eyes by the promulgated intention of Government to resist it; it looked as if there was something to be concealed. He maintained, in opposition to the right hon. Gentleman, that the House had a right to inquire into the names and duties of all who received the public money, whether belonging to the Privy Council or to any other body. The right hon. Gentleman had spoken of the Motion as if it were a matter of obloquy and disgrace to receive the public money: it would be neither obloquy nor disgrace to receive it, if it were earned; and he could not conceive any objection to the Motion that did not imply the necessity of not letting the public into the secret how its money was disposed of. He was the last man in the world to deny the right hon. Admiral the utmost merit. He well deserved the reward his services obtained; but as a matter of mere fact, he must observe, that he was the first Lord of the Admiralty who had ever received full pay at the same time that he was allowed his official salary.

Mr. *Huskisson* would not trespass upon the time of the House for more than a few minutes. He rose to state, that, in his opinion, the information to be gained by the Amendment would not be equal to that which was asked by the Motion. He entreated the Chancellor of the Exchequer to give way upon this point, and he would tell him upon what ground. The right hon. Gentleman had said, that the production of the information would expose individuals to public obloquy. Now, if the hon. Baronet's statement went forth to the world, as go forth it must, without means being afforded of correcting that statement by the production of the correct returns, the Privy Council would indeed be held up to public obloquy. It would be said out of doors that the Privy Council, as a body, received in the whole so much of the money of the nation, and that certain members of that body, who were also Members of the House of Commons, received so much out of the taxes raised from the people. All this might expose the parties to unmerited obloquy, and this obloquy would best be removed by the publication of authentic information on the subject. There could be no obloquy in receiving a just reward for services performed, and it became the character of the Privy Council to avow that there was no mystery, and no necessity for concealment upon the subject. As an individual member of that body he had no objection to any disclosure—he was not ashamed of his emoluments—but without the alteration suggested by the hon. member for Aberdeen (Mr. Hume), he should not be included in the list. Let every Privy Councillor show that he had earned the reward he received at the hands of his sovereign, and justify himself like the right hon. and gallant Admiral, and there would not be found a man in the country to raise an objection. Above all things he deprecated the affectation of mystery where none was necessary. As to what had been said of the Committee of Finance, he could assert, of his own knowledge, that both the Chancellor of the Exchequer and the Master of the Mint had done their utmost to promote reductions of expenditure. And he further thought, that when the Chancellor of the Exchequer brought in the bill to which he had alluded, he had not been supported as he had a right to expect. He gave due credit to his Majesty's Ministers for what they had done, and for what they had promised to do, and he looked for the performance of these promises.

The *Chancellor of the Exchequer* explained. He had not intended to state that the Motion would have the effect of throwing obloquy in any direction.

Lord *Howick* supported the Motion. He stated, that it was the understanding of the House, that the Superannuation bill had been withdrawn for the Session only, but the right hon. Gentleman had not again brought it forward.

Mr. *Portman* hoped, that the right hon. Gentleman, the Chancellor of the Exchequer, would not press the question to a division. It was a general impression amongst the public at large, in which he participated, that many of the highest class of the public officers were much more largely paid than officers of a lower class, whose duties were more laborious. He wished, then, that the Return might be agreed to as a means of removing that error, and he had no doubt that it would be productive of that effect.

Mr. *W. Smith* was understood to say, that he would vote against the Motion of the hon. Baronet, for he thought that the Amendment of the right hon. Gentleman gave all that the hon. Baronet could desire. Thinking that the purposes of the Motion were fully answered, he saw no reason why it need be further pressed. At the same time he thought it due to the hon. Baronet to say, that he was entitled to the thanks of the country.

Sir *James Graham*, in reply, said, that he heard what had fallen from the last speaker with surprise and regret. That hon. Member had sat in that House thirty years, had been the companion of Fox and of the old Whigs, and it was with sorrow and disappointment that he viewed that hon. Member departing from the general tenour of his past life. On a great question of that nature—a great constitutional question, wherein the House of Commons called upon a certain class of the public servants, with their hands in the public purse, to state their own emoluments—it was, he repeated, cause of sorrow and disappointment to him, that an old Member of the old Whig opposition should turn upon a young Member of the new Whig opposition, who at an humble distance, and with a slow pace was endeavouring to follow and to imitate the great example which those brilliant characters had held out to him. It was lamentable that the hon. member for Norwich should throw the weight of his vote into the scale against such a Motion as that then before the House. What he complained of in the Ministers was, that they gave too much—more than he required. He asked for one thing and they gave him another. He asked for a list of about 175, and they gave him a list of 1,500 or 2,000. He asked, as it were, for a glass of wine, and they gave him a glass of wine, certainly, but diluted with a bottle of water. His Motion referred to the great Officers of State, and his object was to ascertain what their emoluments were, in such a manner as that they should stand out clearly and distinctly apart from any other class of the public servants. The Amendment of the right hon. Gentleman included them with many others, and would be useless for the purposes he had in view. Suppose he were trustee of an estate, and that he demanded from the steward or agent of that estate a return of a certain class of the upper servants of the establishment, and that, instead of complying with his requisition, the steward should give him a list of the whole establishment, agricultural labourers, grooms, lacqueys, and all, would not such a proceeding fill the mind of the trustee with suspicion? He had been charged with being factious, but he would tell some of those who made that charge, that he had learned a pretty lesson in that way from certain Ex-ministers, not above three years ago; on that memorable occasion, when he might with truth say, that a factious opposition rent the proud heart, and shortened the existence of a Prime Minister, under whom his hon. and learned friend the Attorney General had first accepted office.

General *Grosvenor* said, that the hon. Baronet ought to have been the last man in that House to have brought forward such a motion—a motion of that vexatious and agitating kind. He said, but a very short time since, that between him and his Majesty's Government there was but one question on which a difference could arise, and that, he believed, was the currency.

Sir *James Graham* said, that at the commencement of the Session his Majesty's Ministers gave certain pledges, and upon those pledges, and upon the faith of their being redeemed, he professed his willingness to give them his support, with the single exception, he believed, of the currency; but they had departed from much of what they had led the House to expect, and accordingly, the points of difference between them and him were increased. He had only to add, that he believed the gallant General had taken the glass of wine without having diluted it with the bottle of water.

The House then divided, when there appeared, for the Amendment moved by the Chancellor of the Exchequer, 231; For the original Motion 147—Majority 84.

List of the Minority.

Anson, Colonel
Attwood, M.
Baring, F.
Beaumont, Thos.
Bernal, R.
Benett, J.
Bentinck, Lord G.
Birch, J.
Brougham, H.
Bright, H.
Brownlow, C.
Byng, G.
Blandford, Lord
Buck, L. W.
Canning, S.
Carter, B.
Calthorpe, F.
Cavendish, Lord G.
Cavendish, W.
Cavendish, C.
Cavendish, H.
Calvert, C.
Cholmeley, M. J.
Clements, Lord
Clive, E. B.
Colborne, R.
Coke, T. W.
Davenport, E. D.
Davies, Colonel
Dawson, A.
Denison, W. J.
Dick, Q.
Ducane, P.
Dickinson, W.
Dundas, Sir R.
Dundas, Hon. T.
Drake, W.
Duncombe, T.
Ebrington, Lord
Ellison, C.
Encombe, Lord
Euston, Lord
Fane, J.
Fazakerley, J. N.
Fortescue, Hon. G.
Frankland, Robert
French, A.
Fyler, T.
Gordon, R.
Grattan, J.
Grant, R.
Grant, Right Hon. C.
Guise, Sir B. W.
Guest, J. J.
Harvey, D. W.
Handcock, R.
Heron, Sir R.
Heathcote, R. E.
Howick, Lord
Hobhouse, J. C.
Honywood, W. P.
Hoy, N.
Howard, H.
Hutchinson, J. H.
Hume, J.
Huskisson, Hon. W.
Jephson, C. D.
Kemp, T. R.
Keck, G. A.
Kekewich, S. T.
Kennedy, T.
Lamb, Hon. G.
Lambert, J. S.
Labouchere, H.
Latouche, H.
Lawley, F.
Langston, J. H.
Lennard, T. B.
Lister, B.
Lloyd, Sir E.
Marjoribanks, S.
Macauley, T. B.
Maberly, W.
Morpeth, Lord
Mostyn, Sir T.
Monck, J. B.
Milton, Lord
Marryatt, J.
Macdonald, Sir J.
Marshall, W.
Marshall, J.
Nugent, Lord
Ord, W.
O'Connell, D.
Parnell, Sir H.
Pendarvis, E. W.
Palmer, F.
Palmerston, Lord
Phillimore, J.
Ponsonby, Hon. T.
Ponsonby, Hon. G.
Price, Sir R.
Pryse, P.
Portman, E. B.
Poyntz, W. S.
Protheroe, E.
Ramsden, J. C.
Rickford, W.
Ridley, Sir M. W.
Rice, Spring
Robinson, Sir G.
Robinson, G. R.
Robarts, A. W.
Rowley, Sir W.
Rumbold, C. E.
Sadler, M. T.
Smith, V.
Stanley, E. E.
Stanley, Lord
Stewart, Sir M. S.
Stuart, Lord J.
Sykes, D.
Thomson, P.
Townshend, Lord C.
Trant, W. H.
Tynte, C. K.
Tuite, H. M.
Tomes, J.
Tufton, Hon. H.
Uxbridge, Lord
Vyvyan, Sir R.
Vaughan, Sir R.
Wall, B.
Warburton, H.
Waithman, Alderman
Warrender, Sir G.
Wells, J.
Wetherell, Sir C.
Webb, E.
White, Samuel
Whitmore, W.
Wood, Alderman
Wood, J.
Wood, C.
Wilson, Sir R.
Wrottesley, Sir J.
Wyvill, M.
Yorke, Sir J.

TELLERS.

Althorp, Lord
Graham, Sir J.

PAIRED OFF.

Ingilby, Sir W.
Slaney, R. A.
Power, R.

HOUSE OF LORDS.

Monday, May 17.

MINUTES.] Petitions presented. By Lord DE DUNSTANVILLE, from Falmouth, praying the removal of the Civil Disabilities affecting the Jews:—By the Earl of DARNLEY, a similar Petition, from the Jews of Canterbury. By the Earl of RADNOR, from a Reform Society, against the East Retford Disfranchisement Bill, and in favour of a general Reform in Parliament. By Lord ROLLE, against the Punishment of Death for Forgery, from the Inhabitants of Teignmouth (Devonshire); and from Crediton, in the same County. By the Earl of RADNOR, from an Association for the Increase of Knowledge, in favour of Mr.

Owen's System. By Lord Dynevor, from Carmarthen, and another place, against any Alteration in the Welsh Judicature. By the Earl of Westmorland, from the Newspaper Proprietors of Belfast, against the additional Duty of Stamps on Irish Newspapers and Advertisements; and from certain Inhabitants of that Town:—By the Earl of Glengall, to the same effect, from the Letter-press Printers of Clonmel. By the Duke of Richmond, from an Individual, in favour of extending Poor-laws to Ireland. By the Duke of Beaufort, from Monmouth, against the renewal of the East India Company's Charter. By Viscount Clifden, from Parishes in Ireland, against the Tithe-laws. By the Bishop of Bath and Wells, from Frome Selwood, Somersetshire, for the Abolition of Slavery:—By Lord Faversham, from a Parish in Yorkshire, with a similar prayer. By the Earl of Darnley, from Parishes in the County of Meath, against the proposed increase of Duty on British Corn Spirits:—By the Earl of Glengall, from Carrick-on-Suir, with a similar prayer.

The Examination of Witnesses in support of the East Retford Disfranchisement Bill was proceeded with on the Motion of the Marquis of Salisbury. Several Witnesses proved they had received packages, containing twenty Guineas each, subsequently to the Elections of 1812, 1816, &c., but by whom the Money was delivered they were ignorant.

HOUSE OF COMMONS.

Monday, May 17.

Minutes.] Lord Palmerston, as Chairman of the Rye Election Committee, reported to the House that Philip Pusey, Esq. was not elected for that Borough, and ought not to have been returned, and that Colonel De Lacy Evans had been duly elected, and ought to have been returned. The Deputy Clerk of the Crown ordered to attend and amend the Return. The Chancellor of the Exchequer brought in a Bill to authorise the issue of a certain Sum in Exchequer Bills, for the purpose of paying off those persons who had dissented to the conversion of Four per Cent Stock into a Stock of another denomination, which was read a first time. The Parish Watching and Lighting Bill was read a third time and passed.

Petitions presented. Against the increase of Stamp Duties on Newspapers, by Mr. H. Hutchinson, from the Inhabitants of Cork; and from the Letter-press Printers of Cork:—By Mr. Huskisson, from the Letter-press Printers of Liverpool:—By the Earl of Belfast, from the Inhabitants of Belfast:—By Mr. Rickford, from the Inhabitants of Cashell:—By Mr. Coote, from the Inhabitants of Clonmel:—And by Captain Wemyss, from the Inhabitants of Forfarshire. For the improvement of the Law relative to Landlord and Tenant, by Mr. Otway Cave, from Leicester. For the Abolition of Slavery, by Lord Milton, from Protestant Dissenters at Stainland. Against the Sale of Beer Bill, by Lord Clive, from the Magistrates of Ludlow. Against the Truck System, by praying that nothing might be done to make paying Rent by Instalments illegal, by Lord Stanley, from the Cotton Spinners of Manchester. In favour of the Emancipation of the Jews, by Mr. P. Thomson, from the Freeholders and Inhabitants of Margate:—By Mr. Hume, from Uxbridge:—By Sir H. Parnell, from Canterbury:—By Lord Milton, from Sheffield and its Vicinity:—By Mr. C. Cavendish, from Clergymen and Members of the Established Church at Cambridge:—By Mr. B. Carter, from a great number of respectable Inhabitants of Portsmouth:—By Mr. Lawley, from Birmingham:—By Sir G. Phillips, from Manchester:—By Mr. Rumbold, from Great Yarmouth:—By Sir R. Wilson, from Norwood, Surrey:—By Mr. O'Connell, from Clontarf, near Dublin; and from certain Inhabitants of Dublin:—By Mr. Benett, from the Inhabitants of Warminster and Woolwich:—By Mr. Marshall, from Leeds:—And by Mr. Pendarvis, from Falmouth. Against the renewal of the East India Company's Charter, by Mr. H. Cavendish, from New Mills, Peafield, and Glossop:—And by Captain Wemyss, from Forfarshire. Against the Punishment of Death for Forgery, by Lord Stanley, from the Chamber of Commerce of Manchester:—And by Mr. O. Cave, from Leicester. Complaining of Distress, by Mr. Brownlow, from a Society for the Improvement of Ireland. For the amendment of the Marriage Laws, by Mr. O. Cave, from Chichester. Against the practice of Imprisonment for Debt, by Lord Althorp, from Joseph Townshend Holman. In favour of the Liability of Landlords Bill, by Mr. Lawley, from the Overseers of Coleshill:—And by Lord Stanley, from the Overseers of Barton-upon-Irwell. Against allowing the use of Machinery, by Mr. Liddell, from the Journeymen Paper-makers of Durham. Against the proposed alteration in the Spirit Duties, by Mr. Jephson, from the Inhabitants of Drisbane:—By Captain Wemyss, from the Landed Proprietors of Berwick and Forfarshire:—And by Sir J. Sebright, from the Landowners of Royston. Against the Administration of Justice Bill, by Mr. Huskisson, from the Attornies of Liverpool:—And by Mr. Lawley, from the Chamber of Commerce, Birmingham. Against allowing Tobacco to be Cultivated in the United Kingdom, by Mr. Huskisson, from the Tobacco Manufacturers of Liverpool. For Parliamentary Reform, by Mr. O'Connell, from the London Association of Radical Reformers.

Stamps—Ireland.] Mr. *P. Thomson* presented a Petition from a number of Newspaper Proprietors in Ireland, praying that no additional duty might be laid on Newspaper Stamps in that country. The petitioners stated, that if such a measure were resorted to, the revenue, instead of being increased, would be reduced to little more than one-half of its present amount. That, however, appeared to be the least important part of the subject, for he believed that an additional impost would strike at once at the root of the whole newspaper press of Ireland; and, in his opinion, the existence of such a press was, to a country placed in the situation of Ireland, of the utmost importance. He thought that the press of Ireland, in making known abuses, was most advantageous to the people of that country, and therefore he should oppose any measure that was likely to be prejudicial to it. It appeared to him that the Irish press had been greatly instrumental in effecting the all-important measure which had recently been sanctioned by the Legislature,—a measure which, more than any other, was calculated to restore and to preserve peace and tranquillity in Ireland. He had himself no connexion with that country, and he supposed that the petitioners would have intrusted their petition to some hon. Irish Member, who might have done it more justice than he could, if they had not thought that the proposition which they opposed ought to be looked to as a general measure—as a measure not confined to Ireland, but one which would affect the whole of the United Kingdom.

Mr. *O'Connell* said, he had been requested to support the prayer of this petition, which he would do most willingly. He wished to call the serious and anxious attention of the House to the subject to which the petition referred, and which was, to Ireland, of first-rate importance. He would not dilate on the question, but he would state this proposition, which he knew could not be controverted—namely, that if revenue were the object of the proposed increase of the tax on Newspapers in Ireland, that object would be wholly defeated; but if the extinction of Irish newspapers were contemplated, that project must succeed if the tax were persevered in. It would diminish nearly one-half of the present Revenue, if the Irish Stamp-duties were assimilated to those of England. It might be thought proper, as Ireland was at present governed, to silence totally the voice of the people there, but for his own part, he believed that such was the real object; and if it were not, he did not think the Chancellor of the Exchequer could possibly proceed with the measure.

Mr. *G. Moore* observed, that he also was requested to support the prayer of the petition; and he would say that, no measure was more likely than that now proposed to destroy the press of Ireland—no project could possibly have a greater tendency to produce that effect. It would at the same time not only injure the Revenue derived from newspapers, but it would materially lessen the Revenue which flowed from other sources connected with the newspaper press.

Mr. *J. Grattan* said, the proposed assimilation of Stamp-duties was a very harsh and unfair proceeding towards the press of Ireland, and he trusted that Ministers would not force it on that country. In the course of the last year the newspaper press of Ireland had taken a tone which was calculated to do much good, by preserving peace and harmony in the country. He very much doubted if the measure of the right hon. Gentleman would produce any accession of revenue, and, in other respects he was quite certain that it would operate mischievously.

Sir *J. Newport* said, he had very serious doubts as to this measure being of such a nature as to produce any other effects, except loss of revenue, discontent, and dissatisfaction; and therefore he wished to impress on the House the extreme importance of the subject. The existence of the press of Ireland was very important to the welfare of that country. So far from its being just or proper that the duties on newspapers should be raised, they ought, in his opinion, to be diminished, both in England and Ireland. It was quite evident, that if the tax were raised, it would have the effect, in a great measure, of closing the door against the expression of public opinion; and it was most important that no barrier should be set up to prevent individuals from canvassing and giving their judgment on the conduct of public men. It was his intention, when the Stamp-duties Bill was going into committee, to move that it be an instruction to the committee to introduce a clause for reducing the duty on Newspaper stamps and advertisements, both in England and Ireland, to one-half its present amount. If there were one object more important than another in the government of a state, it was, that the people at large should be made acquainted with the conduct of public men, and that public men should be made acquainted with the sentiments of the people, which could only be accomplished by giving increased facility to the diffusion of general information.

Sir *H. Parnell* strongly objected to any additional duty on newspapers; and the placing of a heavier duty on the Irish press would, in his opinion, be especially mischievous. It would have the effect of checking the habit of reading, the encouragement of which would do much to tranquillize Ireland. He was sure, that at present, a great deal of evil originated in the non-existence of the habit of reading amongst the lower classes in that country.

Petition to be printed.

TRANSMISSION OF BULLION.] Mr. *Huskisson* said, he was about to present a Petition of very considerable importance, on which he begged leave to say a very few words, and he trusted that his right hon. friend near him would favour him with his attention while he did so. The subject to which the petition related was of great consequence to those merchants who carried on trade with South America and other parts of the world, and who were obliged to import large quantities of Bullion. The petitioners stated the great loss and injury to which the trade was exposed, in consequence of the high rate of freight charged by King's ships and Government packets, whenever, for safety, Bullion was sent home in these vessels. By an order in Council, King's ships and Government packets were allowed to bring home the precious metals, and the captains of them were empowered to charge two per cent upon Silver and Gold sent to this country from the Mediterranean and South America. The petitioners complained that this tax of two per cent took away a very considerable portions of their profits; and they further observed, that in the event of such ships being employed to carry Bullion for the King's service, only one per cent was charged, although, in each instance, the responsibility was the same. Now, why there should be a double charge on the merchant, as compared with the public, he could not understand. Not long since, one of these vessels went from Vera Cruz to one of our colonies, with thirteen tons of Silver, or about 120,000*l.*; on this the commander received at the rate of two per cent, or 2,400*l.* for taking charge of that treasure during thirteen days. The carriers, it appeared, were likely to make much larger profits than the merchants, who were obliged to run all the risk of bringing this silver into the country. Now he contended, and he could prove to his right hon. friend, that these packets were not better manned, or better found, in any respect, than the packets were formerly, before they were taken from the Post-office and placed under the jurisdiction of the Admiralty; and at that time only one per cent was charged. He did think that it was not right, when those packets were removed from the Post-office department, and placed under the directions of the Admiralty, that an additional duty of one per cent should be charged to those who dealt in this species of merchandise. But that was not all. According to the Order in Council, if one of those vessels carried Bullion from Colombia to any of the neighbouring Islands,—a sail of not perhaps more than thirty or forty hours,—a charge was made of 1½ per cent; and therefore, when it arrived in this country, the charge was between three and four per cent. He contended, that if one per cent only was paid by the public, no more ought to be exacted from the merchant, That certainly would be a very ample remuneration for the Lieutenants commanding these packets; but it was preposterous that 50*l.* or 60*l.* a day should be given to those individuals for taking charge of this treasure. He did think that that House ought to interpose, as far as its power permitted, to amend this system. The situation of this country, and of the different States of the world, was such, that we ought to give every possible facility to trade, and remove, to the utmost extent of our ability, all the impediments which stood in the way of commerce, otherwise we should lose those openings for the disposal of our manufactures which it was so important that we should turn to our advantage. He hoped that his right hon. friend would take the subject into his consideration, and that, in future, the same rate of freight which was now paid by the public for the transmission of treasure would be charged to private individuals who imported the precious metals into this country. There was nothing of greater importance to our connexion with South America than that of lowering, as far as possible, the duty on that article which formed the chief medium by which their commercial dealings were carried on —he meant the produce of the South American mines. By doing so, the Legislature would give increased facilities to a reduction of the value of those materials of which money was made.

The Petition of the Merchants of London engaged in the trade with the West-India Islands and South America, was read and laid on the Table.

NATIONAL DISTRESS.] Mr. Alderman *Wood* presented a Petition from the Lord Mayor, Aldermen, and Livery of London, in Common Hall assembled, complaining of Distress, and praying for a reduction of the Public Expenditure, and a Reform of Parliament. The hon. Alderman stated that the petition was unanimously agreed to by the meeting at which it originated. One of the prayers of the Petition was for a reduction of the salaries of officers of Government, in proportion to the advance that had taken place in these emoluments since the year 1792, in consequence of the high price of provisions: it was now sought to reduce those salaries, on the ground that the cost of the necessaries of life was considerably diminished. A resolution was passed by the meeting, directing him (as senior Representative) to bring forward a proposition for such a reduction; but until the returns of the emoluments of public officers (ordered the other evening) should be laid upon the Table, it would be premature to introduce the subject.

Mr. Alderman *Thompson* said, that he

concurred with the statements contained in the petition on the subject of distress; for, notwithstanding there was a considerable improvement in the manufacturing and commercial interests, the retail traders had not benefitted in proportion. It rested with his hon. colleague to bring forward the subject that had been alluded to: when he did, the motion should have his support. He thought that such great towns Manchester and Birmingham ought to be represented in Parliament, and he was determined to support any motion which had that for its object.

Mr. *Ward* also supported the petition. He thought that giving Representatives to the large towns would strengthen, not endanger, the Constitution.

Mr. *Hume* would be happy to see the City of London begin that reform at home which she demanded in the House of Commons: when she should have admitted all her own citizens to equal privileges, she could come before the House and urge the request with a better grace.

Mr. *Heathcote* wished that the retail dealers of the City would reform their prices, for although wholesale prices were diminished, there was not a proportionate reduction in retail prices. Taxes had been taken off, but still retail prices were kept up in a way that was quite abominable.

Mr. Alderman *Wood* said, it had been carried in a Court of Common Council, on Friday last, that Jews be considered eligible to become freemen of the City, on taking the freemen's oath, according to the forms of their own religion. There was a majority of fifty-four to twenty-seven in favour of the proposition. As to retail prices, he could not agree with the hon. Member who complained of their extravagance. There was competition enough to keep them down, and they were kept down accordingly. The fact was, that retail traders suffered so much from the general distress as to be obliged frequently to sell at a loss. It was true, the Leather-tax had been taken off, and some persons imagined that the price of shoes was not lowered in proportion to the reduction in the price of leather; but he could show his hon. friend places where he might buy boots at a sufficiently low price—at from 14*s*. or 15*s*. to 25*s*.—He was ready to take his hon. friend a ride through London, whenever he pleased, and show him cheap shops enough.

POOR LAWS (IRELAND). Mr. *French* presented a Petition from the county of Roscommon, against the introduction of Poor-laws into Ireland.

Mr. *Grattan* said, that there were efforts made in many parts of Ireland to get up petitions against the introduction of Poor-laws. He believed also, that the committee sitting up-stairs on the subject were directing their attention to make out a case against the applicability of Poor-laws to Ireland. The fact was, that some counties in Ireland did not pay much to support their poor, and did not like to be compelled to it; while other counties—such as Wicklow—supported all their Poor. His desire, in getting Poor-laws, was to equalise the charge. He was sorry that his hon. friend (Mr. S. Rice), the Chairman of the committee on this subject, was not in his place, as he would be able to inform the House what progress the committee had made in its inquiries.

Lord *Althorp*, in the absence of the hon. member for Limerick, assured the hon. Gentleman that the committee was inquiring into the question impartially.

Sir *J. Newport* said, persons both for and against the introduction of Poor-laws in Ireland had been examined before the committee. Within the last few days a gentleman was examined who had gone over to Ireland to inquire into the land-revenue of the Crown in that country, and who remained there a considerable time. This individual stated, that he went over to Ireland friendly, from what he had heard and read, to the introduction of Poor-laws; but he was now of a decidedly contrary opinion, after having been in some of the wildest parts of the country, and where there was the greatest number of paupers. So far from promoting the interests of the poor, this gentleman thought such a system would be highly injurious to them; and that instead of preventing or diminishing, it would augment the influx of Irish labourers into this country.

Mr. *Monck* said, that every nation had found it necessary to make some provision for the poor, in order to prevent vagrancy and mendicity; and he was sure that Ireland, where both prevailed to such an alarming extent, must sooner or later do the same. There was at present no means of distinguishing between the really distressed and those who were only idle, and asylums supported by the county, in which those who were able to work, but chose to beg should be made to work, and those who were unable might be provided for, would be of great utility.

Mr. *O'Connell* said, that the Act for establishing such asylums in Ireland, had contributed to make many people rich, but it did not relieve the poor. That some measure ought instantly to be adopted he was however convinced; nothing could be more frightful and horrible than the state of the poor in Ireland. No less than 8,000 persons in Dublin were without the means of support. Disease must follow upon famine, and then the rich as well as the poor would suffer. He had always advocated the principle of the Poor-laws: his only difficulty was, in what way they should be applied.

Mr. *Trant* complained, that in the formation of the Committee on this subject the name of the Gentleman who had first brought it forward was omitted. The names of Gentlemen who formed committees were read so rapidly, that no one had time to object to any of them, or to add others. He should bring forward a motion, rendering it necessary that the names of the Gentlemen, whom it was intended to appoint on Committees, should be before the House a reasonable time before the appointments took place.

The Petition to be printed.

PETITIONS IN FAVOUR OF THE JEWS.] Sir *R. Wilson* said, he had to present a Petition, most numerously and respectably signed, from the Borough of Southwark, in favour of the Jews. In that borough, the first battle was fought and the first triumph obtained in favour of the Catholics and Dissenters at the last general election; the inhabitants of that borough now asked that the Jews might be allowed to possess the same rights as themselves.

The *Solicitor General* said, that he had presented a petition, on a former night, from a gentleman named Levi, and that he had then stated what the petitioner represented to be the sentiments of the Jews upon the measure which had lately been brought in. Mr. Levi had since publicly disclaimed those sentiments. He begged to say that he knew nothing of Mr. Levi. He had received the petition from Mr. Bicknell, solicitor to Greenwich Hospital. He rose now merely to state the authority upon which he had made the representation he had given to the House—namely, that the Jews did not wish for seats in Parliament, but merely to enjoy the rights of property. The learned Gentleman then read a letter from Mr. Bicknell, saying, that Mr. Levi requested him to state that neither he nor any of the Jews with whom he had conversed desired any elective franchise—they wished only for security to their property. He therefore had made the statement to the House on the authority of Mr. Bicknell.

Mr. *Brougham* begged to know, merely out of curiosity, who this Mr. Levi was who took upon himself to answer for all his brethren, and to say that they wanted neither elective franchise nor seats in Parliament. He had never heard of him before, but that perhaps only argued himself unknown.

Sir *R. Wilson* said, that the Jews already exercised the elective franchise, whether by law or not; certain it was that they had that franchise practically, for they exercised it.

The *Solicitor General* said, that if the Jews were in the practical enjoyment of the elective franchise, one of their complaints fell to the ground. As to who Mr. Levi was, he had already said he knew nothing about him.

Dr. *Lushington* said, he could hardly suppose his learned friend, the Solicitor General, to be serious, when he said that the practical enjoyment of a right ought to satisfy men. Such an enjoyment was liable to be disputed, and would, of course, be disputed where the vote was of any importance. No rational man, surely, could be satisfied with this.

Lord *Killeen*, in presenting a Petition from certain Catholics of Ireland, in favour of the Jews, stated, that he had great pleasure in expressing his concurrence with the petitioners.

Mr. *Martin*, in presenting a similar Petition from Roman Catholic gentry of the county and city of Worcester, observed, that the petitioners expressed their gratitude for the measure of last Session, by which they were restored to their rights, and thought they could not display that gratitude in any better way than in petitioning for the extension of those rights to their fellow-subjects, the Jews. He hoped this petition would have, at least, the effect of proving that they who had been stamped as bigots did not really deserve that character: and he begged to say that he heartily concurred in the views which the petitioners had taken of this subject.

Mr. *Protheroe* said, that he could bear testimony to the disposition of the Roman Catholics, in that part of the country with which he was connected, to extend to others that civil and religious liberty which they themselves had recently obtained.

Petition in favour of the Jews.] Mr. *A. Baring* said, that he had to present to the House a Petition from the Merchants, Bankers, Traders, and other inhabitants of the city of London, in favour of the Bill for the admission of Jews to an equal participation of civil rights with other British subjects, to which he was anxious to call the attention of the House. As the subject would be brought under full discussion that evening, it was not his intention to take up the time of the House by any lengthened remarks, yet he should not do justice to the petitioners if he did not state who they were, for the purpose of making the House aware of the importance which ought to be attached to their Petition. It was signed by upwards of 14,000 persons; and, including a large number of the bankers, and a large proportion of the most respectable commercial houses in the city, and of other respectable individuals, it might be said to contain as large a number of signatures as had ever been placed to any petition from London presented to that House. There were signed to it the names of 2,600 merchants, twenty-seven bankers, eleven Bank-directors, 1,100 doctors of medicine and other medical practitioners, 500 attornies, and if the names of no barristers were affixed, it was because they had chosen to present a petition from their own body, which he understood would be presented by his hon. and learned friend (Mr. Brougham). It was therefore a most important testimonial in favour of the Jews, because it was from the great body of those amongst whom they resided; who, however they might differ amongst themselves in opinions upon other points, were agreed in this—that from their habits and conduct as British subjects, the Jews had a strong claim to admission to equal rights with others. Of the Jews dwelling in this country there were 18,000 resident in London; and it was, he repeated, a high testimony in their favour that those to whom they were so well known should come forward in this public manner on their behalf. It was a proof of the good-will borne by them to their Christian fellow-subjects, and by the latter towards them. From his own knowledge of that people, he could state, that so far were they from feeling themselves a class or nation with interests different from those amongst whom they resided, that there was nothing of a public nature for promoting the general good, for extending the blessings of education, and other means of national improvement, in which they did not take as prominent a part as their Christian fellow-subjects; that this was the general feeling of their Christian friends, was proved by this fact—that though every publicity was given to the Bill intended for their relief, there was not one instance of a petition having been presented from any quarter against it. He did not look upon the measure before the House as one of general policy, so much as an act of substantial justice to a portion of our citizens, against whom nothing whatever could be proved to warrant their exclusion from the participation of equal rights with their fellow-subjects. In giving its sanction to such a bill, he was sure the House would act in perfect accordance with the feelings and wishes of the country. He moved that the Petition be brought up.

General *Gascoyne* did not rise to object to the Petition being brought up, though he owned that he was decidedly hostile to its prayer. It was said, that there were no petitions from any part of the country against the Bill; but the reason was, because the people did not believe that the House had any serious notion of carrying it; for if they had, no doubt the petitions against it would have been numerous enough before now. Hon. Members seemed now to attach great importance to petitions from the city of London and other places; but when petitions from those places were presented last year on another subject, they were not received with the same cordiality or respect; on the contrary, they were said to be the result of ignorance and bigotry. He would not, however, enter further into the subject; except to remark, in reference to what had been stated by a noble Lord, namely, that he should be able to prove that the admission of the Jews to equal rights would promote Christianity, that he should be glad to hear the noble Lord's proofs, and he had no doubt that he should derive much information from his discussion of the subject; but he would find the task which he had imposed on himself one of some difficulty.

Mr. *O'Connell* observed, that what the noble Lord said was, that he should be able to show that the admission of the Jews to equal rights would promote the principle of Christianity; and he (Mr. O'Connell), who agreed in religious feelings with that noble Lord, agreed with him also in that principle. As to the opinions with respect to the petition presented last year, to which the hon. and gallant Member alluded, they were very different in their character from those presented in favour of the Jews. He would not say broadly that they were founded in ignorance, but they certainly betrayed a want of knowledge, and had some tinge of bigotry about them. He regretted that so many should have been presented to exclude a portion of the subjects of the realm from political power, on account of a difference in religious opinion; but he had the satisfaction to think that many by whom those petitions were signed had since found cause to alter their opinion, and had the candour to avow it.

A *Member*, whose name we could not learn, expressed his concurrence in the prayer of the Petition, and observed, that there was this difference between the petitions presented this year and the last—that this year they were all on one side. There seemed, as far as the House could yet judge, to be only one feeling amongst the people on the subject of the present Bill, and that was favourable to it. The hon. and gallant Member opposite thought it would be a difficult task to prove that the admission of the Jews would promote the principle of Christianity. Now he thought it would be a still more difficult task to show that that admission would be repugnant to Christian principles.

The Petition to be printed.

Mr. *Brougham* said, that he had a similar Petition to present from a very considerable number of highly respectable individuals in the metropolis professing the Christian religion. Amongst the signatures were the names of 150 barristers, including some of the most distinguished men in the profession, not of one court, but of practitioners in all the courts,—not of one sect of Christians, but of Protestants, Dissenters, and some of the most respectable Roman Catholic members of the bar. Among them were to be found, Mr. Denman, Mr. Treslove, Mr. Broderip, Mr. Alderson, Mr. Amos, Mr. Harrison, and many other distinguished men who, though they disagreed upon many political questions, were all unanimous upon this question of the admission of the Jews. He had now mentioned the names of several of his learned friends who signed the Petition; and, at the risk of drawing upon them the indignation of the hon. and gallant General, he would relate what it was they stated to the House—indeed it was the whole substance of the Petition,—"That your petitioners are of opinion that disqualifications for civil offices on account of religious opinions are repugnant to the benevolent principles of Christianity, and injurious to the strength and security of Government." They therefore prayed the House that the Bill now before it might pass. In this prayer he most cordially concurred, and he hoped the House would be of the same opinion.

Mr. *N. Calvert* said, that he was always friendly to the principle of religious toleration, and he therefore did not object to the bill before the House, as far as it went; but he thought it did not go far enough. He had some difficulty in giving his assent to a measure which admitted Jews to equal privileges, while it left still excluded from the same privileges a considerable body of Christians.—He alluded to the members of the Society of Friends, who, though professing Christianity, were excluded from civil offices. That the claims of that body were as just as those of any others in the community, it was hardly necessary for him to attempt to prove. He believed it would be admitted, that in individual character and respectability they were not exceeded by any other class of men. In their endeavours to promote the welfare of their fellow men, and in their general attachment to civil and religious liberty, they were conspicuous amongst their countrymen; they were, therefore, as fit objects of admission to equal rights as any class of men in the community. It might perhaps be said, that they did not petition for those rights; that might be true, and he admitted that they were an unambitious people, but that did not hinder the application of the principle, for he thought that, with the admission of it in the case of the Jews, it would be a disgrace to the legislature to continue the exclusion of the Quakers.

Mr. *Brougham* agreed that it would be wrong to mark their disposition in favour of the admission of the Jews by the exclusion of Quakers; but there was no necessity for it. The ready way to get out of the difficulty would be to include the Quakers also. If his hon. friend objected to the admission of the Jews because the Quakers were not also included, then he had been somewhat inconsistent in the votes he gave on other subjects for extending religious toleration. On the same principle he ought, when the bill for the relief of the Dissenters was before the House, to have objected to it because it did not include the Catholics; and afterwards, to the second great measure, because it had not included all other parties who, up to that time, were not admissible. There was, he would admit, a difficulty in admitting Jews to equal rights, and continuing the exclusion of any sect of Christians; but he saw a way out of that difficulty by including the other party.

Mr. *N. Calvert* said, that it had been his intention to move, as an amendment to the measure before the House, to inquire how far oaths might be dispensed with as qualifications for civil offices, and for seats in Parliament. It appeared to him that a declaration would be equally binding on an honest man, but an oath would not bind a dishonest one where he could find means to violate it with impunity. He had, however, abandoned his intention of moving an amendment,—he had been so unfortunate in his amendments; they had been the means of so much trouble to himself and inconvenience to others, that he was not disposed to venture on one again in the present case. He thought, however, that it would be absurd and unjust to pass a measure for granting the full privileges of the Constitution to the Jews, and at the same time continue the exclusion of so deserving and meritorious a class of fellow Christians as the Quakers.

Mr. *R. Grant* said, after what had fallen from the hon. member for Hertfordshire with respect to the Quakers, he could entertain no doubt that it was his intention to bring in a bill for giving them the same civil rights as those now enjoyed by so many other Dissenters from the Church of England. On this subject he would only say, that whenever that measure came forward, it should have his cordial concurrence; and if the hon. Member would favour him with his vote in support of the bill for the Jews, he should be most happy on any future occasion to lend his humble but most hearty co-operation in forwarding any bill which the hon. Member might introduce for extending the same principle to the members of the Society of Friends.

The Mauritius.] Mr. Otway Cave presented a Petition from the inhabitants of Bassingbourne, Cambridge, for the abolition of Negro Slavery.

Sir *G. Murray* hoped he might be allowed to avail himself of that opportunity of removing an erroneous impression as to what fell from him on Thursday last. In answer to a question put to him by an hon. friend, he was told he had been understood to have said that the increased production and exportation of sugar from the Mauritius arose from the great number of slaves illegally introduced into that colony. In this view of what he said he had been misunderstood. He had not attributed it to that circumstance. The illegal importation alluded to took place between the years 1814 and 1821; and the stimulus given to the increased growth of sugar was by the Act of 1825, which encouraged the cultivation of sugar where coffee had been grown before. It was also in a considerable degree to be attributed to the improvement in the machinery used, and to the application of the steam-engine. He was anxious to set himself right on this point, and he hoped that what he now said would remove the erroneous impression.

Petition to lie on the Table.

Parliamentary Reform.] Mr. *E. Davenport* said, that he had the honour to present to the House a Petition, which, whether they considered the subject to which it referred, the place from whence it came, or the great number of signatures attached to it, would, he was sure, be admitted to be one of considerable importance. For himself, he had to entreat the indulgence of the House—the more particularly when he considered how many of those hon. Members by whom he was surrounded would have done the subject much greater justice than it was in his power to do it—while he entered into some few details connected with the topics to which the Petition referred. This Petition was from one of the greatest commercial towns in the world: it was signed by 25,000 of the inhabitants of that town, and it prayed for a Reform in the Commons House of Parliament. The petitioners expressed the reluctance with which they approached the House on this occasion, after the rejection of their former prayer; and seeing with deep regret the apathy with which the House seemed to view the approach of poverty to their own threshholds, they stated, that they did not look with much confidence to the result of their present application. The petitioners differed from many Members of that House, when they stated, that in every well-regulated state the people ought to be in a prosperous condition where no external cause operated to prevent it; and finding themselves, in common with other classes of the community, in a state of distress after several years of peace, it was a proof that some mismanagement existed in the manner in which the country was governed. To the want of a Reform in the Commons House of Parliament they attributed much of that mismanagement of which they now complained. One of the first objects to which the petitioners wished to call the attention of the House, was the bill which passed in 1819, commonly called Mr. Peel's Bill, for an alteration in the Currency. When that measure was introduced, it was contended that the return to metallic payments would not make a difference of more than three or four per cent in prices; whereas it had the effect of increasing the burthens of the country to nearly double what they were, while the nominal amount of taxation remaining the same, the real amount taken from the pockets of the people was nearly twice as much as they paid in a paper currency. The petitioners therefore submitted that the amount of taxation should be greatly reduced to place the public in anything near the state in which they were before that bill came into full operation. But no such reduction had taken place; and this was one ground on which the petitioners asserted the necessity for Parliamentary Reform. The hon. member for Callington had stated, in 1827, that every kind of agricultural produce had fallen at the rate of thirty or thirty-three per cent, or that money had risen in value in that proportion since the passing of the right hon. Gentleman's Bill; the subsequent suppression of the small notes had occasioned a further rise in the value of money, to the extent, he believed, of twenty per cent, so that the whole extent of the change could not have been less than fifty per cent. That the manufacturers of Birmingham had participated in the evil consequences resulting from this measure was sufficiently evident from the fall of price on twenty-six articles of their ware, a list of which he held in his hand, with the respective prices annexed. As the House appeared disinclined to listen to details, he would observe generally, that the fall of price between 1818 and 1828, might be estimated at about thirty-six per cent, while from the year 1828 up to the present period it amounted to at least twenty-two per cent added to that. He was sorry to observe, that he should be obliged to renew the complaint of the hon. member for Knaresborough, a few nights since, as several members near him were speaking in a louder tone than himself. Part of the prayer of the petitioners referred to the pressure of taxation, to relieve them from which nothing effectual had hitherto been done. It was a reproach to Parliament that the people should be oppressed with such an intolerable burthen at a period when 113 members of the Privy Council were permitted to share amongst them an income of 650,164*l.* annually, leaving each, on an average, about 5,783*l.* a-year, which, in fact, exceeded the revenue of a "sovereign" in North America. According to the present state of things, the humble followers of industry were habitually sacrificed to the receivers of taxes. The petitioners prayed for a considerable reduction of taxation and a thorough reform in the Commons' House of Parliament. The next subject to which he should refer more immediately concerned the right hon. Gentleman opposite. He alluded to what that right hon. Gentleman had stated with respect to the alleged prosperity of the town of Birmingham, in contradiction to the representations of those who had the best opportunities of obtaining local information. The right hon. Gentleman had stated that Birmingham was in a state of prosperity, and he had quoted, as proofs of this, the traffic on the roads and canals, and particularly the increase of traffic on the Worcester and Birmingham canal. The reason of this was, that the ship canal at Gloucester had rendered that almost a sea port, and increased the business on the Worcester and Birmingham canal. That canal had also obtained a larger supply of water, and an impediment to its communicating with Birmingham had been removed, which sufficiently accounted for the increase of business, without supposing that Birmingham was flourishing. The hon. Member next referred to a statement of the right hon. Gentleman, that some ground rents had sold in Birmingham for 100 years' purchase. But the fact in this case was, that by the purchase the ground was converted into freehold, and by the purchase its value was considerably augmented. The value of the land was 3,500*l.*, while the purchaser gave only 500*l.* for it, so that the right hon. Gentleman had done any thing but prove by that fact the prosperity of Birmingham. The right hon. Gentleman had also quoted the number of four-wheeled carriages in use in Birmingham, but he believed that the four-wheeled carriages referred to by the right hon. Gentleman were only poney-chaises, which the people had taken to use instead of gigs. The real four-wheeled carriages, such as gentlemen use, and such as were generally understood by the term, had increased, he believed, in Birmingham since 1818 about one-fortieth. In 1818 there were thirty-eight such carriages in Birmingham, and in 1828 there were thirty-nine. But a different sort of proof might be derived from the state of the poor in Birmingham. In the last year the outdoor poor had increased 445, and since 1818 they had increased full 1,400. [Some impatience was here again manifested.] The hon. Member observed, however impatient the Members were to give relief to the Jews, and however sorry he was to introduce such a subject as a sort of sandwich between two discussions on that question, yet perhaps they ought to think that some attention was due to the complaints and sufferings of 25,000 Christians. The hon. Member then adverted to the state of the iron-trade, and stated, that of the Staffordshire and Worcestershire furnaces no less than forty-five out of 107 had been blown out; while of the forty-five furnaces in Shropshire, fourteen had been blown out since 1828.

Mr. *Trant* rose to order. He must object to the hon. Member entering into so many statements on presenting a Petition [*Cries of* "*Order!*" *and* "*Chair, Chair!*"]. The hon. Member might content himself with an impromptu speech on such a subject.

Mr. *E. Davenport*, in continuation, said, he did not know whether the hon. Member's interruption were an impromptu suggestion or not, but a more disorderly one he had never witnessed in that House. He would then proceed to a topic on which he hoped he should have that hon. Member's support, since he had taken up his seat on that (the Opposition) side of the House. The petitioners prayed for Reform in Parliament, and in that he cordially concurred. He had been a Reformer since the time of the disgraceful expedition to Walcheren. The Parliament was not a fair representation of the people. As it was a selection from the mass, it ought to be better than the mass of the people; but it was not. He did not think it was a fair specimen of the average talent of England. If he threw a net across the Strand, he believed that the first 658 men he caught would constitute a House of Commons which would obtain the confidence of the people, and be more worthy of it than the present House of Commons. A Reform might be obtained on constitutional principles, which would satisfy him. He would have the Septennial Act repealed; and he cordially concurred with the petitioners in desiring to see the expenses of elections diminished; so that talents and character might have a fairer chance than at present against money. If any person should propose the vote by ballot, it should have his consent, not that he thought that mode of voting good of itself, but it would operate, in the present state of society, to check corruptive influence. Property ought, indeed, to have its legitimate influence; but at present it had a very unjust and improper influence, tending to control everything like freedom, and this influence might, probably, be corrected by the ballot. It was a statement of the petitioners that all the industrious classes were suffering greatly, because the money was taken out of their pockets to go into the pockets of the receivers of taxes, and they stated, that for all these evils there was no remedy but a Reform of Parliament. He called on the House to attend to the prayers of the petitioners in time, before the House lost the confidence of the people altogether, and before they took the means of Reform, and, perhaps, of avenging their own wrongs into their own hands. The Reform Meeting at Birmingham had been followed by similar meetings all over the country, and Reform was becoming a favourite topic with the people. For the rest he had never been slow to express his opinion, either in that House or elsewhere, and he should still have the courage to do so without entertaining any apprehension that the societies he had alluded to would meet the fate of other societies across the water, or that he should be afflicted with the disease which went by the name of the "Scarlett" fever. The hon. Member concluded by moving that the Petition be brought up.

Secretary Sir *Robert Peel** said, that he never was more surprised than by the speech of the hon. Member. The hon. Gentleman had informed him that he should state, in the course of his speech, on presenting the Petition, some facts in opposition to the statements which he (Sir Robert Peel) had made on a former occasion, when he had quoted various facts to show that Birmingham was not in that state of extreme and overwhelming distress, past all hopes of relief, that had been stated on several occasions. The hon. Member had been since that time getting information on the spot, and after all his local inquiries, what refutation had he given to his statements? He had stated on a former occasion, in reply to the hon. Member, that he would allow him to select what indications he pleased of increasing prosperity, and that he would leave the House to judge by the indications selected by him, whether or not Birmingham were in that state of distress described. He had then stated that there was an increased consumption of articles subject to Excise-duties, which argued no distress among the poor. He had also stated, that on all the turnpike roads about Birmingham there was a great increase of tolls, and that on every canal in the neighbourhood of Birmingham, there were proofs of an increased traffic; and the hon. Gentleman, leaving his statement as to the roads untouched—leaving unnoticed his proofs of increased consumption—had stated that there was in one single canal a large increase, which he ascribed to other causes than the increase of prosperity, and which, he said, were sufficient to account for the increase of traffic on the canal. But the hon. Member had by this confirmed his argument. He had not contradicted by facts, after all his inquiries, one single statement which he (Sir R. Peel) had formerly made to the House, to show that Birmingham was increasing in prosperity. The hon. Member proved by his admission, that there was an increase in the prosperity of Birmingham. The only other point to which the hon. Gentleman had adverted, was the increase of four-wheeled carriages. The hon. Gentleman had found out that the inhabitants of Birmingham had changed their gigs into four-wheeled pony chaises, which accounted, he thought, for the increase of four-wheeled carriages. He had quoted the increase of different kinds of carriages formerly, to show that the middle and lower classes had increased in comforts. Had he referred only to such carriages as were used by the rich, he should have been told that these were the luxuries of the rich, and that the poor were suffering. He had quoted the number of two-wheeled carriages, therefore, as well as the number of four-wheeled ones, because the two-wheeled ones—the gigs—were used by the lower and middle classes, and the increase in them showed that the lower and middle classes had increased their enjoyments—their comforts and luxuries. The hon. Gentleman said, that only one four-wheeled carriage had been added to the number in Birmingham for many years. He did not know where the hon. Gentleman got his information, but he could assure him that the returns in his possession showed a considerably larger increase. As he wished to quote no Returns not in the possession of every hon. Member, if the hon. Member would move for those in his possession he would second his Motion.

Mr. *E. Davenport* said, he would save him the trouble.

Sir *Robert Peel* said, he did not want to be saved the trouble. He wanted the hon. Member, and all other hon. Members who complained of the effects of that Bill which bore his name, and who continually stated that it had been productive of evil to the country—he wanted those hon. Members to hear the facts which disproved their assertions. He had stated on a former occasion, that the number both of two-wheeled and four-wheeled carriages had increased in Birmingham; and he had quoted that increase to show that the people had increased in comforts and luxuries, which he took to be an indication of increasing prosperity. In order to obtain the information, he had applied to the Excise and to the Tax-office, and had required as full and accurate a Return as possible of all the carriages that paid taxes. There could be no higher authority than the Returns of the Excise and Tax-offices; and if their accounts of the number of four and two-wheeled carriages showed an increase in them, what better proof could be obtained of the increasing prosperity of Birmingham? He had not rested his proofs, however, on this alone. He was willing to admit that an increased revenue raised from the people, by an increase of taxation, was no proof of their increasing prosperity. But when he found, though the rate of taxation was not increased, though it was even diminished, that the revenue increased, was not that a proof that the people possessed an increased means of consumption—that they actually consumed more and were increasing in comfort? The hon. Member stated, that there was only one additional four-wheeled carriage in Birmingham for ten years: but this was a mistake; and he wished that the Returns he quoted were on the Table of the House, that every member might correct him if he made a mis-statement. In 1819, then, the number of four-wheeled carriages in Birmingham was 38; in 1820, 38; in 1821, 38; in 1822, 44; in 1823, 55; in 1824, 68; in 1825, 94; in 1826, 106; in 1827, 137; in 1828, 157. Thus, since 1819, when the Bill was passed, which the hon. Gentleman said had ruined Birmingham—which the petitioners said had involved that town in bankruptcy, and made it unable to pay rates and taxes—[Mr. E. Davenport was understood to deny this. Sir Robert Peel said he had taken down the words of the Petition]—this Birmingham, which had been ruined by the Bill of 1819, had then only thirty-eight carriages, and in 1828 it had no less than 157. But the hon. Gentleman accounted for this by saying, that the people had converted all their gigs into four-wheeled pony chaises; that all the people who had kept a taxed cart and one horse, had changed their vehicles for a pony chaise. Now, if the hon. Member's statement was true, there ought to have been a great reduction of the number of two-wheeled carriages; that was the way the hon. Gentleman accounted for the increase of the four-wheeled carriages. But if the gigs had been so converted, the two-wheeled carriages must be put an end to; but the Returns by no means bore out the statement of the hon. Gentleman. It appeared by them that the number of these vehicles in Birmingham, in 1819, was 301, and that from that time they had increased in regular progression, up to 1828, when they amounted to 470. The hon. Member stated that Birmingham was in such a state of distress that it could not pay rates and taxes; but he had no hesitation in saying that Birmingham paid its taxes and rates as well now as at any period. [Mr. E. Davenport was understood again to dissent from the statement about the taxes and rates.] It was said (continued Sir R. Peel) that by the Bill of 1819, Birmingham had been so much reduced, the hon. Gentleman had said it, that prices had been reduced 56-per-cent, while the burthen of taxation had been increased beyond the power of the people to pay, to the same amount. The hon. Member stated as a consequence of that Bill, that the inhabitants could not pay their rates and taxes; but he should be able to show that the rates and taxes were never levied there with greater ease than at present. He had a return of the arrears of rates at different years; from which it appeared, that those arrears amounted, in 1818, to 3,904*l.*; in 1820, to 8,571*l.*; and in 1829, to 1,031*l.* He had a similar return also, as to the arrears of taxes, which he would read to the House.—In the year 1819, the amount of taxes assessed on Birmingham for the half-year, ending on the 5th of April, was 18,000*l.*; of these taxes the amount paid was only 7,000*l.*, while the arrears were 11,000*l.* In the year 1821 the arrears were 10,324*l.* In the year 1823 they were 7,899*l.*, and in 1825, the year of prosperity, be it recollected, the arrears were 5,748*l.* In 1828 they had fallen to 1,734*l.*, and last year they were only 2,522*l.* Indeed he believed that there never had been less distress at any period in Birmingham than at the present moment. The hon. Member had formerly stated, that the consumption of butchers' meat in Birmingham had decreased one third; he knew not from what sources the hon. Gentleman derived his information on that subject; but he was certain that the statement of the consumption of meat being one third less than it had been was not supported by the fact. To shew that the condition of the working classes was not deteriorated, he would advert to the Returns connected with the Savings Bank. The total amount of money deposited there was about

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* The Secretary for the Home-department appeared to-night, for the first time, in the House, subsequent to his father's death.

50,000*l.*, and the total number of accounts actually opened was 3,547. In the last month the amount of money taken out was 1,252*l.*, and the amount paid in, 2,403*l.*, leaving a balance of 1,150*l.*, money paid into the Savings Bank. But this was not all. The payments of every kind on every article of taxation had received a sensible increase. The taxes had increased on windows, on houses, on servants, on horses, on carriages, and on dogs, indeed on every article of luxury, enjoyment, or necessity, except two, and he would give the hon. Member the full benefit to be derived from them: they were the taxes on horse-dealers and hair-powder. He thought it unnecessary to pursue this subject further. The hon. Member had not been able to impugn any of the statements he had formerly put forth; and having therefore shown that the situation of the population of Birmingham was not such as he represented, he should not trouble the House with any further details.

Mr. *Robinson* said, he could not agree with the right hon. Baronet in the conclusion he drew from these statements, and he protested against the system of answering all complaints on such subjects, by reading a few isolated and unauthenticated documents. He knew, however, in defiance of these documents, that the families receiving parochial relief in the town of Birmingham had increased from 2,469 in 1826, to 3,878 in 1830, and that there was an increase of distress in that town, to the amount of at least fifty per cent, since the year 1826. He feared it would be found, even if he admitted the correctness of the right hon. Baronet's statements, that the comforts of the poor were diminishing, as the luxuries of the rich were increasing, and that the want of employment was severely felt, notwithstanding all the boasts of prosperity.

Mr. *E. D. Davenport*, in reply, said, the only conclusion to be drawn from the right hon. Gentleman's statements was, that the 25,000 petitioners had put their signatures to a string of falsehoods. He denied, however, that the right hon. Gentleman had disproved any portion of them, although he admitted that he was mistaken in that part of the argument which related to the consumption of butchers' meat. He repeated, however, his assertion, that the boasted increase of trade on the Worcester Canal was the result of peculiar circumstances; and he contended that houses should bring 300 years' purchase, rather than 100 in a situation like the one alluded to. He also denied that four-wheeled carriages had increased in the way the right hon. Baronet supposed; for it would be found a great many of them were mere pony chaises.—Petition to be printed.

Bill for removal of Jewish Disabilities.] Mr. *Robert Grant* said, before the House went into a consideration of the Bill thus designated, the second reading of which stood for that evening, he would take leave to present some Petitions, which he considered entitled to the attention of the House. The Solicitor General had, in the early part of the evening, referred to a petition from a person named Levy, in which he stated the Jewish people in this country to be indifferent to the result of the application now made to Parliament in their behalf, and to feel no desire for a relief from the disabilities under which they laboured. The petition he now presented was signed in a very short period of time by 592 of the Jews resident in London, comprising among them most of those who were distinguished by their wealth, their respectability, and their attachment to their religion; and they, in the strongest manner, implored the House to remove those disabilities which Mr. Levy took it on himself to declare were with them an object of indifference. He thought that this testimony was a sufficient answer to all statements on that point. He had another Petition to present from a Priest of the Jewish persuasion, living in Huntingdonshire. This gentleman placed the question on prophetical grounds; but whatever difference of opinion there might be on that question, he conceived that the petitioner's deductions would be found to be sounder than those of his opponents, inasmuch as he contended for humanity and good feeling in opposition to bigotry and exclusion. He had also a Petition in favour of the Jews to present from Mr. Robert Owen, a highly respectable individual, well known to many of the Members of that House.

Sir *John Wrottesley* said, it was not to be supposed that an humble individual such as he was could expect to obtain a hearing in the course of a debate so important as that about to take place; he should take that opportunity therefore to state the extent to which he was disposed to support the Bill. He confessed, then, that he could not see the slightest objection to grant the Jews all that they required, except the permission to sit in that House. If the House were a full and fair representative of the people he should have no objection to the Jews offering themselves as candidates to the electors; but when it was notorious that seats in that House were to be had to any extent for money, he could not consent to allow any persons to become Members who were not also Christians.

Petitions laid on the Table.

Mr. *R. Grant*, in moving the Order of the Day for the second reading of the Jews' Relief Bill, said, that it was unnecessary for him to reply to the objection of the hon. Baronet at that time. An assent to the second reading of the Bill for the Relief of the Jews did not pledge any Member to the details of the measure. It merely declared that they thought the Jews should be relieved, and left all objections to the details to be taken in that subsequent stage, when they, with more propriety, came under consideration. The hon. Member then moved that the Bill be now read a second time.

General *Gascoyne* declared his determination to oppose the Bill if it proposed to confer on the Jews the privileges already granted to the Roman Catholics. The Constitution was a Protestant Constitution, and it was necessary for its support and protection that the institutions which made it so should be maintained. If any man had a few years ago asserted that, in the course of two Sessions, that House would repeal the Test and Corporation Acts—remove all the political disabilities of the Roman Catholics—and then entertain the question of relieving the Jews—he apprehended that his friends would have thought him a person it was necessary to keep a tight look after. For his part, he entertained no very favourable opinion of religious liberty. He thought it was little better than a mere union of sects. He could not for his life understand how any man who opposed the admission of the Catholics could vote for the relief of the Jews. The Catholics, indeed, had some claims to that which was conceded them. They possessed considerable property, an immense population, and they professed the religion once held by our ancestors. It was true the palings of the Constitution had been broken down; but he entreated them not to make it altogether a waste spot. It was said, that the opinions of the Jews were not represented in Parliament. He believed they amounted to some forty or fifty thousand, and in the present state of the representation, he conceived the smallest unit to be sufficient for their share of that representation. He agreed with those who conceived the state of the representation to present an objection to the admission of the Jews to that House. These deformities of the Constitution were not to be overlooked in considering the propriety of making concessions. There was a spirit of innovation abroad in religious matters, as well as in commercial, and the friends of the one were the supporters of the other. The hon. and learned Gentleman (the member for Knaresborough) had declared, on a former occasion, in a debate on this subject, that "you ought to do unto others as you would that others should do unto you." Now, he would ask, if the Jews had the power to grant the Protestants what they now asked from them, what would they have obtained? The history of the Jews at all times showed that they were not very tolerant to those opposed to them in religious opinions. He called upon the House to unite with him in rejecting the measure, and he should move as an amendmen, "that it be read a second time that day six months."

Lord *Belgrave* expressed his sorrow at being obliged on this occasion to differ from many hon. Members whom he was accustomed to agree with in public and private. He felt it his bounden duty, however, to oppose the measure, and in doing so he did not think he was departing from the principles he had professed upon a former occasion, because he considered a man might hold the most liberal sentiments in general and support the claims of the Roman Catholics, and yet adopt a different course in respect to the Bill now before the House; for he believed that those claims were founded on justice, reason, and truth—he considered that the Roman Catholics had clearly shown that the privileges they demanded would not be abused; and he felt that it was but fair to concede advantages to those who had never flinched from the support of the State. Now, there were two points on which he objected to the measure in favour of the Jews. First, they were a distinct nation; secondly, they were, he would not say by reason, but through the medium of their religion, disqualified for political privileges. Jews were scattered over almost all the countries of Europe and of the East, but they were amalgamated with the people of none. It was impossible then, he contended, that a Jew could ever be considered an Englishman, or love our native land as, he thanked God, an Englishman was wont to do. Was the Jew, he asked, to be considered an Englishman because he bought a coat in Monmouth-street, or negociated a loan upon the Stock Exchange for the benefit of this country, or that country, or any other country, provided it only squared with his own interest? Or was there the slightest reason for presuming that in his speculations he would give any decided preference to the interests of England? No; the fact was, no man could be an Englishman so long as he remained a Jew. In answer to the argument founded upon the wealth of these people conferring a degree of power upon them which might be dangerous if not secured in favour of the State, he contended, that by advancing them to a higher degree of power, the evil would only be increased, since the tie which connected them to the country could not be made binding, and the *opes irritamentum malorum* could only be used with additional effect. Besides, the Jew, so long as he continued truly such, could never feel himself bound up in the fortunes of a country in which he only considered himself a sojourner. He always comforted himself, under all circumstances of degradation, with the lively hope, that though despised on earth, he would not be an outcast on high, and that one day he should return to the land where his fathers had dwelt, and where his children should dwell for ever. And feeling and believing as they did, he asked if it were possible that Jews could love this land, in which they were permitted to dwell, as Englishmen did, to whom it was endeared by the ties of blood and old associations, and the memory of so many proud historic deeds? Could the bosom of the Jew thrill with interest at the mention of those glorious names, "familiar in our mouths as household words?" or could he dwell with delight upon the recollection of the achievements of our forefathers? No; he looked with an incessant and undivided regard to the history of another land—he was the patriot of another soil, all his hopes and wishes turned towards it; and his heroes were the inhabitants of another country, and it was upon their glories he reflected with confidence—it was to them his memory reverted with delight. This divided interest, therefore, he maintained, incapacitated the British Jew from executing the duties he would be called upon to perform as one enjoying the full privileges of an Englishman. The Constitution was chiefly supported by that love of country which pervaded every English bosom, and anything that clogged that feeling must be deleterious.

Lord *Darlington* said, that although a friend to liberty in general, and to parliamentary reform, he should oppose this Motion, as he considered it uncalled-for. He did not see that it could be advocated as necessary, either upon grounds of justice or state policy; and therefore, although unwillingly, he must raise his voice against it, now that the measure was fully before the House; it was plain that a stress was specifically laid by the mover of this Bill, upon the necessity of admiting Jews into Parliament. He objected to such a doctrine:—first, because the admission was uncalled-for by any necessity of doing justice, or by reasons of state policy; secondly, because, as professors of the religion of Christ, the Legislature ought never to admit unbelievers to have any control or management of Christian institutions. Upon the non-necessity of the measure, and on that account alone, if there were no other, the House ought not to adopt it. He would quote, to support this view, the words of the right hon. member for Liverpool (Mr. Huskisson), when he opposed, two years before, the repeal of the Test and Corporation Acts. The right hon. Gentleman, to whom he was then opposed, as he believed he was now opposed to him, gave reasons for voting against the repeal of the Test and Corporation Acts which appeared peculiarly applicable to the present Bill. His words, as reported, were these. "He doubted whether the motion was calculated or directed to remove, or to repress any urgent grievance. If an oppressive grievance existed, if a wrong of some kind or other were committed, would they have failed to remonstrate against the continuance of the system. The fact could not be so, for during a long period of forty years the parties most interested had preserved a total silence. Looking at the system altogether, it was impossible to separate it from the results which had followed in its train; it was impossible, in regarding the system, not to perceive the connexion between it and the strength and security of the empire at large. The strength, and security, and prosperity of the empire mainly depend on the present system."* With regard to his second objection he knew that he had the opinions of men of great talents against him, who saw no weight in the objection that, as composed of professors of Christianity, the Legislature ought not to admit Jews to the possession of power which gave them the means of controlling our Christian institutions. That was not, however, a sufficient reason with him to depart from the opinion he had formed on this subject. With regard to the question of expediency, he drew this distinction—when he found that so much had been already given, and when he heard it complained of that so much was yet withheld, when he heard the greatest lovers of monarchy declare that they did not feel the necessity for us to consider the government as a Christian government, adopting the principles of Christianity in all its institutions, it was high time to pause in the career of concession. As long, therefore, as concession could be made to toleration preserving the principles of Christianity as that of the Government, he was willing to concede; but when he found that concession involved the denial of the necessity of our remaining a Christian people, he was bound to stop. That was the distinction he made. He was willing to concede every political franchise to Christians, but he would stop when concession exposed him to the risk of seeing Christianity itself denied. He was astonished at the comparison which had been drawn between the situation of the Roman Catholic and that of the Jew; it was one in which he could not acquiesce. The Roman Catholics were allied to us in all our relations in life, and in some of the proudest of our historical recollections; they were united to us by ties which inspired affection and gratitude; their faith had the same source as our own, the differences between us being merely ritual. But it was said, the Jews had also strong claims upon us from their connexion with the Old Testament, and the preservation by them of the earliest records of Christianity. There was nothing, however, in that assertion to outweigh the objections which he felt, on other grounds to their having political power in a Christian community. He must oppose the Bill, therefore, notwithstanding a warning he had received from a friend he met in the street the other day, who asked him, if he voted against this measure, how he could ever hope to borrow money? But he replied, that the Jew would be just as ready to lend him money as before, since it was for his own sake, and not for that of the borrower, that he afforded the accommodation; and he then quoted the passage in the *Merchant of Venice*, in which, *Shylock* says—

> "Fair Sir, you spat on me, on Wednesday last;
> You spurned me such a day; another time
> You call'd me dog;"—and so on.

But *Antonio* replies—

> "I am as like to call thee so again,
> To spit on thee again, to spurn thee too.
> If thou wilt lend this money, lend it not
> As to thy friends (for when did friendship take
> A breed of barren metal of his friend?)
> But lend it rather to thine enemy;
> Who, if he break, thou may'st with better face
> Exact the penalty."

In conclusion, he never could give his permission that Turk, Jew, or Infidel should be made a Member of this House.

Mr. *Mildmay* said, that unfortunately on this subject his mind was not in unison with the opinions of his constituents. Still, however, he should not abandon principle for interest; for if he did, he was well aware that he should not only inflict pain on himself, but that mode of conciliating the good will of his constituents would occasion him to lose their respect. He should therefore give his support to this measure. It was insinuated that those who favoured the measure now before the House, wished to overturn the Constitution. He yielded to no man in a wish to support and maintain the Church of England in all its purity; for he believed that in doing so he should best contribute to the welfare of the people in this world, and should most truly promote their happiness in the next. He was anxious to discover a rag, a scrap of an argument—nay, even a pretence for an argument against this measure; but, so help him Heaven, he had not been able to do so. It had been said, we could not amalgamate with them. Why, we had amalgamated with the Prussian, the Russian, and the Turk; and these were neither Russians nor Turks, but fellow-subjects, with one common interest with ourselves. He knew that some persons supposed that the Jews hated the country, and were influenced by a feeling inimical to the Constitution. He denied that such was the fact. But if it were true, what he would ask, was the cause? The answer was, the Constitution itself. It treated their intentions with scorn—it cooled their friends—it heated their enemies, and then the makers and supporters of this Constitution turned round, with an accusation that they pursued their own interests against those of others. The gallant General had spoken of our institutions, as if they always had been, and always were to remain unaltered. What would have been the case if such had always been the principles on which our ancestors had acted? We should now have been a nation of slaves. The noble Lord near him had supposed that the Jews never could and never would amalgamate with their fellow-subjects; but for himself, he could see no reason for entertaining such an opinion, and he looked forward with confidence to the happy results of this measure.

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* Hansard's Parliamentary Debates, Volume XVIII. New Series, page 729.

Lord *Belgrave* explained, that his objection to the Jews was, that they were scattered over the face of the earth, united to each other, and destitute of those local attachments which constituted the patriotism of other people.

Sir *E. Deering* saw no danger in admitting Jews to the right of practising in all professions, and even of enjoying seats in corporate bodies, and filling corporate offices, but he should ever be against seeing them take their seats within that House. How was it possible that the two religions of Jews and Christians could ever be in accord with each other, when the object of the professors of the one was, to trample on the divine Author of the other? It had been represented by some hon. Members, that the Jews were, and always had been, the persecuted race, and never had been the persecutors. He wished to remind such Gentlemen that for the last eighteen centuries the Jews had not been in the possession of power, and when they did possess it, he would venture to assert that no sect had ever suffered so much from another as the Christians had suffered from them. He urged the House not to be led away by the love of innovation, and not to pass a measure which he feared would be pregnant with mischief to the best interests of this country.

Sir *Robert Wilson* meant to give the measure his most cordial support. He saw no danger in it, nor could he well conceive what objections could be made to it. It was said, that the Jews of different countries would not amalgamate with the natives of the countries in which they resided. Was that statement true? Did not the noble Lord know that the Jews, who were admitted to the possession of rights, liberties, and privileges in France and the Netherlands were as distinguished and useful members of the community as any others? He would ask whether this country was to be exclusively Christian [*Hear, hear, hear! from all sides of the House*]? He thought the answer, which that cheer implied, was not an opinion entertained by any other individuals than those who expressed it so loudly at that moment, and whose feelings sometimes too much influenced their better judgment. A noble Lord had asked in a manner unworthy of the subject, whether a Jew was to be made an Englishman merely because he purchased old clothes in Monmouth-street? That was not the Jew's ground of claim. It was because he was a good subject that he claimed to have all the rights and privileges of one. He believed he might appeal to his right hon. friend opposite (Sir R. Peel), whether the Jew was more guilty than others of the crimes punished by our laws. He had been asked whether he would wish to see Jews, Unitarians, and Christians in that House? and he at once answered, Yes, for he saw one Member of the Unitarian profession sitting before him—than whose character none was more justly distinguished for kindness, humanity, generosity, and justice, and whose vote was always given in favour of freedom, and with a view to further the best interests and happiness of mankind. There was one point to which he wished particularly to refer. The Jews voted at elections in Southwark—he had been told that their doing so depended on the good nature of the other electors, who might, if they pleased, prevent their voting, by putting certain oaths to them; now, he must say, that such a state of things ought not to continue. In his opinion, no State had a right to proscribe any religion, provided that religion was not destructive of the laws of morality, and did not outrage the customs of the country. Such was not the state of the Jewish religion, and the followers of it ought not to be proscribed. He was, perhaps, acquainted with more Jews than most other members of that House. He had seen them in all foreign countries, especially in France and the Netherlands; and he had found them, though suffering from jealousies and oppressions, generous, hospitable, and kind, and always disposed to show the greatest gratitude for benefits received. In his opinion, there was no class more deserving of favour, and of the concession of rights, than the Jews. He would remind the House, that there was one man of the Jewish persuasion who was at the head of no fewer than twenty-seven British Charities, many of which were for the promotion of Christianity. Why? because his own religion was not a proselytizing religion; and he supported the promotion of the Christian religion because he felt it was one which might do much towards ameliorating the condition of those among whom it was to be introduced.—He was proud to be able to say, that he had his constituents' authority for supporting this bill; to which, as far as his own opinion went, he gave his most cordial assent.

Mr. *O'Connell* said, he was proud of the opportunity of supporting the measure. He supported it both on principle and sympathy. The time had but recently gone by, when the Catholics were assailed by clamours which he would refute that very evening by his conduct. They had been assailed by a cry, which might be very satisfactory to some Christians, who thought that no others were right in argument or good sense but themselves. The cry then raised was Protestant—now it was Christian. To persons who now raised that cry against this measure, he would say that they avoided or evaded the true principles of Christianity, which were liberality and charity. On the former occasion, these persons said that the Catholics were the advocates of bigotry. Who were the advocates of bigotry now? Christian charity, with such people, was a good thing to talk of, but when they came to the point they refused to put it in practice. Who were before the House now in the character of claimants for rights? They were not foreigners—they were not Poles—nor Russians—nor Turks—nor Frenchmen—they were men born in England—men entitled to hold property in England—to inherit property from their ancestors in England—in short, they were Englishmen. They were debarred from some of the privileges of Englishmen because they refused to take an oath of a particular kind, and therefore they were shut out of that House. They were excluded, as it was said, because the safety of our institutions demanded their exclusion. But the House might be asked whether it would admit the unbeliever? It did admit the Mahometan. The Mahometan might, perhaps, refuse the oath "on the faith of a Christian." Yes, that was true, the Mahometan might be considered excluded; but would they laugh at him now, when he asked them, what sanction had they against the admission of the Atheist or of the Deist? Against any man who did believe in a God, or professed a particular religion, they had a protection, but they had no check upon he man who had no religious faith. It was said that the Jews had sympathies elsewhere. In the same manner it had been said, that the Catholics had sympathies elsewhere. He did not mean to disavow, that he and they carried spiritual homage to another than the King of England; but his own Sovereign received his undivided political homage. So it was with the Jew:—he might still remember the traditionary home of his father—but he was obedient to our laws. Let them not, therefore, talk of the name of Christianity, when it was used to do evil instead of good. In such a case he scorned the name, he desired the substance. Christianity was charitable; charity was the precept of Jesus Christ, their Saviour, himself. He was charitable to all men, even to his murderers; he prayed even for them, saying—"Father, forgive them; they know not what they do." In France they had a Christian Legislature, and the Jews were ranked with the other citizens of the State. Perhaps it might be denied that the French Legislature was Christian; for one mark of a Christian Legislature they had not—they had not a Boroughmongering-system—they had not one Lord with ten retainers, who, after sitting with the *Côté Gauche*, went over just at the critical moment, to the *Côté Droite*, carrying his ten retainers with him. Certainly that was not the case in France; and yet, he imagined, notwithstanding its disadvantage in this respect, it might be said to have a Christian Legislature. But both there and in the Netherlands, Jews were appointed Judges, Magistrates, and Legislators, and performed their duties in the most efficient and most honourable manner; and at the moment at which he was speaking, one of the Secretaries of the Sorbonne was a converted Jew. Conversion was prevented in this country by our system of laws. Affect to scorn a man for his opinions, or to deprive him of civil power on their account, and he became wedded to them more firmly than ever. Such had been the case with the Catholics, and such would be the case with the Jews, and with all other people in similar circumstances. They had been told that the same reasons did not hold for admitting the Jews as for admitting the Catholics, It was true, for there were more reasons against the admission of the Catholics than against that of the Jews. It was because the Catholics were so numerous that they ought not to have been admitted; for if their belief were dangerous to the State, their numbers only rendered it doubly dangerous. That was not the case with the Jews, whose numbers were insufficient to create the least degree of alarm. Then it was said that the Catholics were a proselytising race; that made them more dangerous still, though, perhaps, they could gain but few proselytes, for they could offer but few pecuniary advantages; and, as an hon. Member had said the other night, if the road to Heaven were not paved with gold, nobody would have taken the trouble to discover it. He should support the Bill on the universal principle of toleration, if that were not an improper word to be used on such an occasion—perhaps he ought to have said the principle of right. That right was not to be infringed either by an Inquisition which inflicted torture, as in Spain, or by laws which, as in England, imposed privation. Man had a right to inflict neither the one nor the other; Christianity had spread itself—not by the force of temporal power—not by the efforts of Christians—nor by the labour of Christian Legislatures—but by virtue of its own truth, and its mild and benevolent influence on the human heart. It had expanded itself, not only without the assistance of temporal power, but against the most formidable opposition; and where was the Christian that would tell him that the arm of God was short, and needed the aid of any of his creatures? He recognized them not, they belonged not to his communion, since their doctrines would deprive him of the consolation of his existence—the hope of eternity. Christianity bade him do as he would be done by, and he only fulfilled that duty when he gave this Bill his most hearty support.

Mr. *Trant* said, he was disposed, on many grounds, not much to favour the Bill, and he could not be pleased to find it in the hands of the same hon. Member who presented a petition from Mr. Robert Owen, who, if not in plain terms, at least in an implied sense, signified that Christianity was an imposture. Let the present Motion be glossed over as it might, it went to repeal that which our ancestors enacted and stood by, and the Legislature was departing from the principles which gave it birth, when it abandoned that Christianity which was interwoven with the Constitution itself. He heard it stated, with some surprise, that in the present situation of this kingdom, the Jews should not be considered as Jews separate from the bulk of the people, but as Christians united with them. It was said, that if Christianity was the law of the land, the Jews who preferred the Scriptures which formed the basis of Christianity were equally professors of our religion, and members of our civil community; but he could never be convinced by such sophistry, and his conscience told him to disclaim that Jews were Christians in any sense or construction. He was persuaded that the opinion of the great mass of the people of this country was opposed to the measure, though he was told that the bankers and the merchants, and the traders, were in its favour. A few persons who were in a situation to be affected by a connection with Jews, might assert that opinion was strongly with them; but he knew the mass of the people too well to suppose them willing to desert the principles which gave birth to the Constitution and the liberty they enjoyed. In 1753 a partial Relief Bill for the Jews was brought in, but the very next Session the people called on the Parliament not to pass it. The people of England were, perhaps, not much disposed to be pleased with the measures which it passed last year; but though they might be reconciled to the admission of Roman Catholics and Protestant Dissenters to a community of political freedom, they were not disposed to give up Christianity altogether. He did not understand the excess of liberality now exercised in favour of the Jews; and he would ask, were not the Jews of the present day the descendants of those who crucified our Saviour, and who said "let his blood be on us and our children?" He was sorry to introduce such topics, but the subject compelled him. He spoke as a Christian, who was anxious to preserve the religion of our Saviour—who took the words of the Holy Volume for his guide—who persecuted no man for his opinions—but who only sought to exclude him from interference with a religion by which he was excluded. He had no idea of admitting Jews to control the religion of Christ—men who had already trodden the cross under foot, and would do so again. The hon. and learned member for Clare might think that such opinions were confined to the ignorant and the stupid; but if he were acquainted with the people of this country, he would not say so: and he knew that they were participated in largely by the respectable and thinking portions of society. Having said thus much against the principle of the Bill, he would go a little into its details. Supposing the Jews were admitted to the House, every one knew, that as their Sabbath commenced on the Friday evening they could not effectually perform all the business of the country, and as to opening to them the highest honours of the law, he would ask, would it not be preposterous to see a Jew in the seat of justice, sitting on a case of blasphemy against the Christian religion. In fact, whichever way he viewed the subject, he found the admission of the Jews to civil power to be preposterous and dangerous; and he would never, by voting for them, desert the Established Church, the religion of his forefathers, and all that he, as an Englishman and a Christian, held dear. He would certainly support the Amendment.

Lord *J. Russell* was surprised at the opposition this Bill had experienced, for neither in point of policy nor expediency did it demand the attention and opposition it had experienced. The admission of thirty or forty thousand Jews to the privileges of the Constitution could make but little difference in its chance of future existence; and when he heard hon. Members talk of danger to that Constitution, he could not but wonder in what that danger consisted. He did not think that the Jews would be thus enabled to convert all the Christians to Judaism, or obtain such a degree of power as would overthrow the established religion of the country. In point of principle, however, the Bill was of great value, for it was founded upon the basis, fully recognized last year, that religious opinions ought not to interfere with political privileges. It had been once held to be the maxim of the Constitution, that none but persons attached to the Church of England should share the benefits of that Constitution—an intelligible and a plausible theory; but when once that maxim was abandoned,—when once it was agreed that persons who were not members of the Church of England might be members of the Legislature,—the particular tenets of a representative of the people became a matter of pure indifference. Roman Catholics and Unitarians were allowed to sit in Parliament, although the one considered the Church of England an apostacy, and the other a corruption. Both were admitted to political power, and by Acts of Parliament it was declared, that the Constitution was thereby exposed to no additional peril. Those, then, who would exclude Jews, argued on a false assumption, that none ought to be admitted to political power but those who were of the religion of the State. He maintained, on the contrary, that religion no longer came into question, when any man required to be admitted to the privileges of the Constitution. It had been decided, over and over again, by majorities of that House, that no man was objectionable on the ground of his religion, but only on the ground of wanting loyalty to the King, and fidelity to the State. The Jews had acquired property, bore their share of the burthens, and contributed to the exigences of the nation. They payed the taxes and obeyed the laws, and the House ought to be glad to admit them as good and faithful subjects. Moreover, it ought never to be forgotten, that exclusion encouraged separation, and that if this Bill passed, the distance of separation would be gradually diminished, until both sides approached so nearly, that they could join hands in one common cause, for the good of their common country. He did not wonder to see the hon. Baronet, the member for Oxford adhere to the exclusion of the Jews, since it was the last hold of intolerance and persecution, and it could not be relinquished without a pang. Like Niobe, when she clung to the last of her unhappy offspring, the hon. Baronet might exclaim—

> "————Unam minimamque relinque,
> De multis minimam posco, clamavit, et unam."

The majorities who had recently supported the cause of civil and religious liberty must vote in favour of this Bill; if they did not, it would prove that the late concession to the Roman Catholics was extorted by fear, and that the right hon. Gentlemen opposite had granted political privileges, not because they believed in their hearts that they were deserved, but because they thought they could no longer be refused with safety.

Mr. *G. Bankes* was understood to declare, that he had heard no satisfactory reasons, to induce him to consent to so new and inexpedient a measure. The hon. and learned member for Clare had said, that the arguments urged against the Catholic Relief Bill, were not suitable on this occasion. He thought so too, but he felt that the reverse of the proposition was equally true, and that the arguments which were used in favour of that Bill were not adapted to this measure. It had been said, that while the law excluded the Jew, it gave admission to the Deist or the Atheist; but he denied that such was the fact. Certainly an Atheist, who had the hardihood to despise all oaths, might take those prescribed by the House, and thus gain admission to the Table; but, in his opinion, there was a moral power in the House which would strip him of all influence, and reduce him to utter insignificance. It had been asked whether, after the Jews had acquired property and knowledge, it was fit to withhold from them political privileges? Mr. Burke and others had said that "the supreme is the legislative power," and for that supreme power they were not qualified as long as they continued enemies to Christianity. He had no idea of admitting Jews, who differed in principles from the very foundation of the law of the land, to a control over the legislative powers. In other states, in which the Jews were admitted to civil and political rights, the legislative power, which they were allowed to share, was not so extensive and comprehensive as it was in England. It was, in fact, rather administrative than legislative power they were allowed to share. When he considered that in the House of Commons, every thing for the protection or the regulation of the Church originated, he could not think of admitting those to legislate who were opposed to Christianity itself. The hon. Gentleman concluded by saying he would give a decided negative to the Motion.

Mr. *Huskisson* said, that knowing the ability and power of argument which distinguished the hon. Gentleman who brought forward the Motion, and believing that his attempt would be crowned with success, he had come down with the intention of supporting him only by a silent vote; but he was tempted to break through that resolution by the speech of his gallant friend, the member for Liverpool, and by that of the noble Lord who had referred to him and to the petition which he had presented from Liverpool on this subject. His gallant and hon. friend had admitted that the petition was numerously and respectably signed; but he added, that several of the signatures were obtained under the influence of the Jews, and the noble Lord said, with regard to the petition of the bankers and merchants, that the Jews could dispose of the feelings of the trading classes of society as they pleased. In his opinion, these statements were much overcharged, and he could assure the House, that in Liverpool the Jews were retail dealers, and constituted a very small and uninfluential class. The sentiments in the petition were the genuine opinions of those who signed it, and they should be taken as the sentiments of the Christians of Liverpool on the subject—His hon. and gallant colleague said, he was an enemy to all innovation, and that our ancestors would never consent to innovation. His hon. friend had, indeed, confessed that the Roman Catholic religion was entitled to some favour, because it was an ancient religion; but he hoped his hon. friend would not consider the Jews less entitled than the Catholics to favour on the score of antiquity. And when he said that our ancestors were enemies to innovation, he seemed to have forgotten that they introduced a Reformation—that they produced a Revolution—and that they expelled a King because they suspected him of a design to destroy the then new religion of the country. The noble Lord had taunted him with a speech he had made some time since on the subject of the admission of the Protestant Dissenters to the State; but the noble Lord misunderstood the motive of his conduct at that period. It was not from a desire to exclude the Dissenters that he spoke, but from a dread that partial concession would injure the great and general measure of religious liberty, which was then in hand, and had been since accomplished. It was to be observed, however, that the arguments which were urged in favour of the Catholic and the Dissenters' relief did not here apply, for the present Bill was not, like them,—one of paramount importance, or of absolute necessity. He said so, abstractedly from the question of the injustice of withholding from others, rights to which they were, as common subjects of the State, entitled. And while he admitted, that although the necessity was not urgent in one sense, he maintained that the repeal should take place in another, as the exclusion of the Jews was the only exception remaining to the general toleration that was now the principle of the law. When this measure had passed, the Jews would be placed on the same footing in this country as in France and the Netherlands. The hon. member for Wexford, who had spoken so well that he hoped to hear him often speak, admitted the propriety of allowing the Jews access to all other stations, civil and military, but he would exclude them from seats in Parliament. Now, that was a sort of wisdom he did not understand. The hon. Member would give them the power of the sword, and the power of instructing youth, and he would make them, by his exclusion, the enemy of that legislature which it was necessary for the safety of the State that youth should be taught to reverence, and soldiers implicitly to obey. Something had also been said as to the manner in which his hon. friend had framed his measure. And it was true that it purported to be a relief to the Jews from all disabilities; it was to put them on the same footing as the Protestant Dissenters and the Roman Catholics. But did it follow, that were the House to go into committee it must adopt all that had been proposed by his hon. friend. He supported his hon. friend's views to their full extent in giving all the relief that he contemplated. If, however, the House went into a committee, and a proviso were introduced not to allow Jews the privilege of admission into Parliament, however undesirable and uncalled-for that proviso might be, yet still he was not one of those who would think that the Bill ought not to be persevered in on account of that objection. Hon. Gentlemen might ask, why should he agree to this? But he would ask them, did they recollect the year 1812, when a bill was brought in to grant the Roman Catholics all that they had since obtained? That bill was read a first and second time. It went to a committee, and an amendment was then proposed to exclude them from sitting in Parliament, and on that amendment having been carried, the bill was, as he thought, very unwisely withdrawn. The better course would have been, for the friends of the measure to have taken what they could have got. If a proviso to the same effect were to be introduced now, he would deprecate and think it unwise; but, considering this Bill as a measure of justice and relief to all the parties that were suffering from having their rights withheld, he would still proceed to pass it. He therefore trusted, that the Bill would be allowed to be read a second time; although he would, in the committee, give his strenuous support to the Bill as it stood, yet he would not abandon it even were such a limitation introduced. It was most certain, as he had observed, that this Bill had attracted considerable notice; and they had been told that members would rue giving it their support when they returned to their constituents;—but he said he would support this, as he did the Roman Catholic Question, without reference to any other consideration than that which guided his decision on that Question. He would also tell his hon. and gallant colleague that he was not afraid of the disapprobation of his constituents on account of the vote he had given upon the Catholic Question, nor of the course he meant to pursue on the present Bill. Again, then, he would express a hope that the Bill might pass, and form the consummation of that course of liberality which, he trusted, would immortalize the present Parliament.

Sir *Robert Peel* spoke as follows. I shall endeavour, Sir, to condense into the shortest possible compass what I have to say on the present occasion. As I had not the advantage of being here on the former discussion, I hope the House will bear with me should I trouble them with any thing that they might have heard before. I must set out by saying, that I cannot support this Bill. I do not admit the principle of the Bill, nor can I help objecting to the mode in which it is sought to establish that principle. The Bill professes to limit itself to giving relief from all civil disabilities to all the Jewish subjects of his Majesty; but that is not the sole object to which the Bill is limited. I will not say that it is a bill for unchristianising the Legislature, but I will say that one of the unavoidable consequences of this measure will be, that every one of the forms and ceremonies which give us assurance of Christianity must be abolished. I take it that it follows as a legitimate consequence of this measure—that every man, to whatever sect or persuasion he may belong, will be entitled to prescribe the form of affirmation by which he may give assurance to the State of his fidelity. The Session before the last we were called on to give our support to a measure for the relief of the Protestant Dissenters; and last Session we passed a bill for the relief of his Majesty's Roman Catholic subjects; therefore it is said that we are bound, in consistency, to follow up those measures by adopting the present measure. I hear this with regret, because I hear it for the first time. In the discussions respecting either the Catholics or the Protestant Dissenters, nothing of the sort was ever intimated; it was never stated to us that because we admitted our fellow Christians to a participation of power, that therefore, as an unavoidable and necessary consequence, we were bound to admit to all the privileges of the Constitution men who reject Christianity altogether. Some most forcible appeals were made to us on the ground of the common Christianity of the parties applying for relief. In the speeches of Burke, and in his recorded sentiments, as contained in his writings, we learn that he rested his strongest arguments in favour of concession to the Roman Catholics, upon the Christianity of that body; so of Mr. Grattan, of Mr. Canning, and of all the great and eminent advocates of that cause; even my right hon. friend on my left, in pressing their claims upon the attention of the House last Session, observed, that "when serving with Protestants in the Army, they entered together the same breach, they fought together on the same field, reposed together in the same grave, and rested their hopes of future happiness upon the merits of a common Redeemer"—those appeals were forcibly made, and successfully made, for it was not to be denied that Protestants and Catholics admitted the same great doctrines of Christianity. But if this Bill pass, though it may apparently be limited to the Jews, and though, confining our view solely to this Bill, it does not go beyond that class of men; yet we shall, if this be agreed to, have to pass other bills most objectionable in my views of the Constitution. It is perfectly obvious that if we pass this Bill, it follows as a necessary consequence, that every form of oath which requires a profession of the Christian faith must be abandoned. Now this is a most important alteration in the usages of this country. Before Catholics and Protestant Dissenters were excluded, there was still a necessity for all public functionaries to profess Christianity; from the earliest period a belief in Christianity was required as necessary to official appointments or to seats in Parliament. No person who rejected Christianity could obtain office; therefore, from the first, our Constitution was, to say the least of it, Christian. Here, then, we have an evident and palpable departure from the principles of the Constitution, as admitted and recognised in the earliest periods; and where is the urgency of this vast change? What is it that requires this departure from the first principles of our Constitution? What is the case made out respecting the Jews? It would seem—I take my information from a book which, I understand, is written by a very respectable Jew, and is considered a work of authority—that there are resident in the United Kingdom about 27,000 Jews, natural-born subjects of his Majesty, of whom 20,000 are resident in London, 7,000 Jews in the other parts of the kingdom; and for these 27,000 or 30,000 individuals I am invited to depart from the principle which has been acted on from the earliest period of the Constitution. I am told the Jew is degraded by his exclusion—he is not excluded in the same manner that the Catholic and the Dissenter were—he is not excluded by anything in the nature of a taunt upon his form or profession of faith. The Jew is excluded merely because the Legislature requires, as the great principle of civil government, that all persons admitted to office should acknowledge the fundamental truths of the Christian religion. The Jew is not a degraded subject of the State, he is rather regarded in the light of an alien—he is excluded because he will not amalgamate with us in any of his usages or habits—he is regarded as a foreigner. In the history of the Jews, their domestic usages, their institutions respecting marriage, and in a variety of other points, we find enough to account for the prejudice which exists against them. We find them in the possession of political privileges in France, in the Netherlands, and in the United States of America—in the last during a period of forty years, and in the two former during the last fifteen years, and only two Jews have in that time been admitted to political offices [*hear!*]. I think I understand that cheer. I understand it to mean, that since so few have been admitted, there is no danger in admitting the English Jews to political power. Now the inference I draw from it is, that if the Jews expect to derive so little advantage from the removal of disabilities, the practical benefit to them must be very small; and for such a trifle are we to depart from what has formed for centuries one of the fundamental principles of the British Constitution? Does the House suppose that the people of England are indifferent because no petitions have been laid upon the Table of this House? On the contrary, I will venture to affirm, that the sense of the people of England is opposed to concessions of this nature, and I will venture to predict that the result will prove that affirmation to be well founded. If the House is prepared to lay it down as a principle that Deists, Atheists, and other infidels may hold the highest offices of the State, and possess seats in the Legislature, then you must be prepared to revolt the feelings of the country. For fifteen years, in France and the Netherlands, have they been entitled to all privileges, and during forty years have they possessed those advantages in the United States; yet during the whole of those periods not one of them has obtained a seat in the Legislatures of those countries, only one has been appointed to a high situation at Amsterdam, and one has been made Mayor of New York; and that convinces me that the exclusion of Jews does not arise from their political incapacities, but from their own peculiar institutions and usages. So much for the principle of the measure. The mode in which it is proposed to carry it into effect I look upon as equally objectionable. Its advocates propose to abolish all disabilities on account of religious opinions. The hon. member for Clare would have every man allowed to worship God as he might think proper; but if the present Bill be passed, it will not be necessary for a man to worship God at all. The Deist and the avowed Infidel are admitted into Parliament under this Bill. From its provisions this principle necessarily flows, that political power is, and ought to be, unconnected with religious belief—that, I take it, is a legitimate consequence of its enactment. Now, if that be intended, why not avow it at once and for ever? Does any man in this House suppose that this is the last bill which will be passed upon this matter of religious freedom, as it is called? There are at the present moment three great classes of his Majesty's subjects eligible to high political office and to seats in Parliament; but they are all required to be Christians; these are the Protestant Dissenters, the Roman Catholics, and the members of the Church of England—and now we are called on to admit the Jews: but are there no Christians excluded? What becomes of the Quakers? Why is not a bill brought in for their admission also? [*hear!*] I again hail those cheers—if the Jew be admitted, there is not a doubt that the Quaker is equally well entitled. Why not one as well as the other? Are you afraid of the consequences? [*No, no, no.*] Observe the admission—if this Bill be allowed to pass, other bills, *à fortiori*, must pass. Is it wise then to disturb yearly the religious feelings of the people of this country by separate bills for the relief of the several classes of his Majesty's subjects from the disabilities which from the earliest period the Constitution imposed upon them. If the measure be right, establish it fully and for all, and let us not have a bill one year for one set of men, and another year for another. I know of no tenet of Quakerism which ought to exclude Quakers from the enjoyment of political power if the Jews are to be admitted. It is said that the relief of the Catholics placed the Jews in a worse situation than before—that the more the space was narrowed the greater was the suffering—to speak mathematically, the intensity of the suffering varied inversely with the space operated on. But, I repeat, that if the Jews are entitled to this relief, so are the Quakers—so are the Separatists. On these grounds, then, Sir, I am not prepared to admit the principle, and I object to the mode of giving effect to the Bill; and I confess I do so with much regret. There is nothing in the conduct of the Jew themselves which ought to create the slightest prejudice against them. The upper classes of that people are eminent for charity and sympathy with the sufferings of their fellow men, and the lower classes are not marked by any vices beyond what is common amongst persons in that rank of life. I, therefore, cannot but feel the necessity of opposition as most painful; but there has been no case of practical oppression shewn, to call on us to give them relief. So far as landed estates are concerned, I see no objection to the Jews being empowered to hold them; my own opinion is, that they can do so already; but in that I, of course, submit to higher authority than my own; but my own opinion is, that it requires no new law to enable them to hold estates in land. At an early period, eleven learned Judges gave it as their opinion, that Jews, being native born, are capable of holding land. But if there be doubts on the subject, I shall not object to a bill to grant them relief. The late Lord Ellenborough contented himself with such a title as a Jew could make to land; he purchased an estate of Mr. Goldschmidt, and after that I think we need have little doubt that Jews may hold land and can make good titles. With respect to the present Bill, I think it cannot be so amended as to meet my views, and therefore I say, unhesitatingly, that I must oppose it: foreseeing its consequences, I cannot give it my support.

Mr. *Brougham* said, that he differed altogether from the right hon. Gentleman, although he admitted that, taking the views he did, they were argued with fairness. He had not appealed to violence or to passion—he had not, like one Member, reminded us that these people were the descendants of those who had crucified our Saviour—nor, like another, that they practised usurious dealing—nor like another, the gallant General, who had certainly given a novel and extraordinary gloss on Christianity—namely, that of altering the command "Do ye unto others as ye would they should do unto you," into this, "Do ye unto others as they would do unto you." This was an innovation, in the nineteenth century of the Christian era, which would certainly lead to a most wonderful alteration in the whole system of the Christian dispensation. He begged pardon; he did not ascribe these words to his hon. friend, he only took the liberty of putting the gallant General's argument in his own words. In the course of the debate a number of facts had been referred to, and the commentators here had been, like most other commentators, full of a desire to show their own lore. One hon. Gentleman said, he referred to history, and asked, "Do you recollect how the Jews always used power when they had it," and having frightened the House by his historical recollections, he demanded the continued exclusion of the Jews on the new principles of Christianity of the gallant General. He must confess with regret, that he had never known the House less distinguished for calmness of deliberation—for the good sense of its views, or for the real and genuine principles of Christian charity, than he had observed this night, and on the present occasion, in the loud and general—he would not say clamorous—reception of some of the worst appeals ever made to the passions. These were received, one after the other, with zeal, and he might say, cordiality, from which he was inclined to hope that their import could not be understood. The right hon. Secretary did not, it was true, appeal to such passions, nor to such unfair arguments as those who were in opposition to toleration on Christian principles had that night used. But though approving of the right hon. Gentleman's mode of arguing, he did not approve of his argument. The right hon. Gentleman had said, that this Bill was one intended for the first time to take away Christianity as a necessary qualification for political power, and that ever since Parliament had existence there were tests to prove the Christianity of its Members, and effect the exclusion of all who were not Christians. But was that the fact? In his view neither history nor law showed that their deliberations were to be confined to Christian Members, or that the Legislature ever contemplated purging the House of either Jew, Turk, or Heathen. There was no such principle laid down in the law: no one who had any acquaintance with history—no one who had ever read the first Act of Parliament on the subject, could fail at once to see, that the reason of the test then was because it was the only means of having the explicit affirmation of a sincere belief in certain dogmas. He was unwilling to revert to two great legislative measures which had lately received the sanction of that House. He abstained from any argument which could be deduced from thence, with his eyes open, because it would but give rise to invidious retrospection. He did not wish to put this measure upon the footing of State necessity, nor of sound policy; he put it on the other, but not lower ground; for he put it as a case of justice, to an assembly of just men. When he said he put it on the footing of justice, and justice alone—when he said the Jews were small in number though highly respected by all who had any dealings with them—when he added, that they came not before that House, urgent from their influence, imperative or overawing from conscious power—that they came unaccompanied with the incitements of faction—the intemperance of demagogues—the threatenings of associations;—but armed alone in the propriety and justice of their cause, and that they appealed to their rectitude as men, and to the kindly charitableness of Christianity, when he said this, did he place their cause upon a plea that would not find a response in the heart of every honest, honourable, and religious man in that House? And after all, what was the good derived from the words "on the true faith of a Christian," as a protection against those who had no faith of any kind. They might exclude an honest man from the House, a dishonest man they would not reject. He begged the House to consider seriously that men were not excluded from that House because they might be Quakers or Jews, heathens, infidels, or blasphemers, but because they happened to be devoid of that quintessence of Heathenrie—hypocrisy! Let the Jew but come here and pledge himself to the contents of that oath by which he is excluded, and he will be at once received with open arms by that chorus of Christians whom he had heard that night cheer, and roar, and howl forth their applause of the most anti-christian doctrines and feelings that had ever been uttered in a civilised country. But his hon. and learned friend, the Cursitor Baron (Mr. G. Bankes), would say, "Oh, but a man under such circumstances, could have no weight." Just so. But let them look a little to example, and see if that defence was borne out. Did the Gentlemen on the other side ever hear of the celebrated Mr. Gibbon's having sat in that House—that, at a time when he was notoriously an opponent of Christianity, he came up to that Table and took the entire array of oaths—of Abjuration and against Transubstantiation, &c. with all the gravity of a Christian? And yet he held, at that very time, the office of a Lord of Trade, and, he would warrant, received its salary just as punctual as the staunchest Churchman. He did not, to be sure, exercise much authority in the House—[*hear, hear from Mr. Bankes*]. He knew his hon. friend would say so—[*laughter*]. Gibbon's paganism was a little too evident, and a consciousness of its having been so, hindered him from exercising that influence which his talents and learning would have entitled him to. He never spoke—he had a weight, a dead weight, upon him! He was afraid he should hear Spoke! Spoke! Infidel! Infidel! Atheist! and other equally inharmonious sounds breaking on him from every side of the House. But there was a still stronger case. Did hon. Gentlemen on the other side, did his hon. friend, the Cursitor Baron, ever hear of Henry St. John Lord Viscount Bolingbroke? He, too, was a noted infidel!—a scoffer at religion, he had attacked Christianity by his writings and in his conversation, but in that House he had taken the prescribed oaths, and had abjured, with all the zeal of true faith, the requisite dogmas. Yet he was one of the most powerful orators and influential Ministers that had ever sat in that House. The severest judges, the most acute critics, and among others, a zealous Churchman of that day gave an account of his eloquence which made it appear almost superhuman. The House would recollect an anecdote on this head of Mr. Pitt, who, being in company with certain friends, one day, each of whom was expressing a particular wish; one said, he should like to see the lost books of Livy; another, a specimen of a certain ancient comedy. Mr. Pitt said, that what he should wish to see was a speech of Lord Bolingbroke; such was his opinion of that noble infidel's extraordinary eloquence. No man ever exerted a greater power over Parliament, and he was not thought unworthy to be Secretary of State for Foreign Affairs, an office which he filled with as much effect even as his successor, Lord Aberdeen; producing state papers worthy of his spoken eloquence, and quite as much admired in the Cabinets of Europe as the effusions of that noble orator, though he was not so good a Christian by ten thousand degrees. But as to weight in Council, and influence in Foreign Courts, he should only be laughing at Lord Aberdeen, if, in sober truth, he did not declare there could be no possible comparison established between them. Well, then, what became of his learned friend's argument, that oaths kept infidels out of the House; or if they were so vile as to take the oaths and come there, destroyed all their influence? But then, said the right hon. Gentleman, if you admit the Jews you must go further. He could scarcely suppose such an argument could be maintained between himself and the right hon. Gentleman, if they had to discuss the question, not in opposition and debate, but across a friendly table. To be sure, he could suppose one of the party to throw up his hands and exclaim, " If you do this, Lord bless you! the very next thing you must do will be—what? to admit the Quakers?" Let them—let the Quakers be admitted, and God speed them! he should exclaim. And where, he would ask, was a sect more amiable, more honest—more deserving the sympathy of honourable men? No man knew this better than the right hon. Gentleman opposite, who had had much intercourse with them. He begged the House to recollect, when judging the Quaker and the Jew, those important words, " Swear not at all! neither by Heaven, for it is God's throne; nor by the earth, for it is his footstool; neither by Jerusalem, for it is the city of the Great King." How, after that, men could think well of the habit of taking oaths, he (Mr. Brougham) could not comprehend. He begged to remind hon. Gentlemen of this text, in order that they might feel that the doubts of others on this subject were not without solid foundation. But while we excluded the Jews so pertinaciously from this House, how did they stand in other respects? A Jew could hold an advowson, and present to it a minister. What became, in that case of his hostility to Christianity? A vestry could be composed of Jews, and he had the authority of Lord Eldon for saying, could elect the Clergyman who should expound the doctrines of Christianity. A Jew could be a Juryman—Jews were constantly seen to perform that important office in our Courts, and with as much fidelity and impartiality as Christians, and how it could be more injurious for them to be one out of 600 in making laws than one out of twelve in administering them was what his understanding could not appreciate. They were allowed to perform amongst us all the duties of citizens, they would dispose of parish funds, and of the lives of their countrymen; they could appoint ministers of the Church and hold large landed estates, performing all the duties of landlords, and they were still to be excluded from any influence in making those laws they were called on to administer. Why there should be such objection in this country to acknowledge all the rights of the Jews, when they were fully admitted to all privileges in the British Colonies, as well as in foreign States, was also beyond his understanding. He was not now alluding to the Jamaica Jew Bill (though he could perceive that the Chancellor of the Exchequer apprehended that he was), for he well knew that that had not yet received the Royal assent, but he was referring to an Act passed in the good old orthodox times—to an Act passed in the 13th of George 2nd, which enacted, that every person who had resided seven years in a British colony should become *ipso facto* naturalized, and entitled to all colonial privileges; and it was particularly enacted by the Statute, that such words " as on the true faith of a Christian" should be omitted if it were required by the religious persuasion of a person to obtain his rights. The hon. Baronet who had addressed the House that night, for the first time, and whom the House had heard with much pleasure, had put the question on the ground that it was a religious question; but this he distinctly denied. It was one of civil policy only; and on this head he would refer them to Dr. Paley, the firm and able friend of Christianity; and who, to the disgrace of the leading men of the day, was allowed to descend unmitred to the grave. That author denied that this was a religious question, for there was no such thing as a political connexion between the Church and the State; and said that, whether the former officiated as the handmaid or the ally of the State, the union was equally inconsistent with the principles of religion and sound policy, and could do nothing but spoil the one and corrupt the other. And the same authority, speaking on the subject of tests, observed, that they ought only to be applied for the purpose of detecting civil delinquency. They excluded Popery—not as Popery, but for its connection with despotism and the party of the Jacobites; and if ever the Catholics should get rid of this connection, it would be an injustice to them to keep them out of civil offices one day longer. It was stated, that the Jews were foreigners—were connected with another law—were patriots of another soil, and therefore, they ought to be excluded; but the noble Lord who made this objection must be aware, that the Jews who asked for relief, were born within the King's allegiance, and were the King's subjects. But were those who made this objection aware—was the House aware, that the son of a foreigner, born in this country, though he might be the son of a Moscovite, or the son of one of Buonaparte's Generals, at the period of his highest power—was the House aware that the son of a foreigner, born in this country, might fill the highest offices of the Government—might be a Secretary of State, the Lord Chancellor, or the Archbishop of Canterbury, and might carry his allegiance and the homage of his feelings to the Throne of his parent's foreign Sovereign? But because all nations conspired to reject the Jews, would they, at the end of seventeen centuries' persecution of this race, continue to exclude them, and taunt them, as the reason for the exclusion, with having no country and no home, and being no nation? One Gentleman had said, that the Apostate Julian had interfered with the decrees of Divine Providence, and had tried to stop their dispersion, and build up their temple again; and he had called upon the House not to imitate the example of Julian, and obstruct the decrees of Divine Providence. But he did not ask them to obstruct the decrees of Divine Providence. He was not afraid of their doing so—that decree must be fulfilled—must be made good, which promised that the Jews should be scattered over the earth; but that was a demand on all the nations among whom they lived to do them justice. He called on the House to remember the Divine law, given by Him for the persecution of whom it was decreed, that they should be dispersed over all the earth, and remembering them, to do unto others as they would be done unto, to shew justice, and love mercy, and in following these precepts, to believe that they were promoting, not obstructing the decrees of Divine Providence. [*Cheers and calls for " Question."*] After some time, the hon. Member said, if those Gentlemen who were so ready to call for the question would take an opportunity of expressing their sentiments at greater length, if they would signify them by articulate sounds, and not decide all questions by a division, and by the weight of their numbers—the House, he was sure, would hear them with greater pleasure than it heard that cry which was to settle all things without any knowledge, without any reason, without any acquaintance with the subject, with nothing to recommend their decision but the majority of votes. He would then come to the point on which they were all agreed, for he was as much fatigued with addressing them as they were with hearing him; and, to come to that point, then, on which they were all agreed: which was, that the debate should be ended—he would conclude by stating, simply and solemnly, that in voting for the second reading of the Bill, he did not pledge himself to give any relief beyond what was contained in it—and it only professed to extend relief to his Majesty's Jewish subjects. He had stated frankly his opinion of the extent to which he was ready to go. Some hon. Members differed from him as to the extent, but they were all agreed in one thing. The hon. member for Newark, who had led the opposition against the Bill, though he had not spoken that evening; and certainly the right hon. Secretary—all the opponents of the Bill, agreed that they would give relief to the Jews, short of admitting them to sit in Parliament and possess the Elective Franchise; and if they were all agreed on the general principle, would it not be unreasonable and unjust to reject the whole nine-tenths for the sake of the one-tenth they did not approve of? He would conclude by declaring, that in voting for the second reading, he pledged himself to nothing more than that the Bill should go to a committee.

Mr. *Perceval* rose to address the House amidst loud calls of " Question;" but, after an ineffectual attempt to make himself heard, he resumed his seat.—We understood the hon. Member to be desirous of stating his reasons for opposing the measure.

The House divided,—For the Second Reading 165; Against it, 228—Majority against the Bill 63.

HOUSE OF LORDS,

Tuesday, May 18.

MINUTES.] Petitions presented. By Lord ROLLE, from Tiverton, against the East India Monopoly. By Viscount

Goderich, from the Chamber of Commerce, Tralee, county of Kerry, against the increase of Duties on Spirits, and on the Growth of Tobacco. By the Marquis of Downshire, from Tuam, in the County of Galway, praying for protection for the Linen-manufacture of Ireland. By the Bishop of Lichfield, from Bromwich, against the infliction of Death for Forgery; and from the Inhabitants of Derby, against the compulsory attendance of Protestant Soldiers at Catholic Places of Worship. By the Marquis of Bute, against the East India Monopoly, from the Burgh of Anderston; from the Manufacturers of Dukinfield; and from the Manufacturers of Staley Bridge. By the Marquis of Lansdown, from Laurence Ryan, of the City of Dublin, praying for a Reform of the Court of Conscience in that City. By the Duke of Newcastle, from Newark-upon-Trent, against the employment of Climbing Boys. By the Lord Chancellor, from the Magistrates of the County of Montgomery, praying to be relieved from the duty of discharging Insolvent Debtors.

GREECE.] The Marquis of *Londonderry* said, that, with the leave of the House, he was anxious, seeing a noble friend of his (Lord Aberdeen) in his place, to say a few words with respect to a motion of his which stood for Tuesday next. His object in giving notice of that motion was, to induce the noble Earl (Aberdeen) to bring forward to the House some explanation of the foreign policy of this country. Two years had now elapsed since the accession of that noble Lord to his present office, and their Lordships had not been able as yet to discover the principles upon which the foreign policy of this country was carried on. He alluded more particularly to the circumstances connected with the settlement of Greece. They had been told that that settlement was now nearly brought to a conclusion; and if that were the case, the papers respecting it should be laid before them. He wished to know whether these papers, the production of which the noble Lord had promised more than two months ago, were on the point of being laid before the House. If they were about being laid before the House, as he did not wish at all to embarrass any negotiation that might be going on, or to give any embarrassment to his Majesty's Government, he should most probably not persevere in his motion. When the papers were in the hands of their Lordships, it would be for them to see whether that settlement had been adjusted upon principles honourable and satisfactory to the country, and it would be open to any noble Lord who chose to do so, to take up the question, and to bring that, or any other part of our foreign policy, under their Lordships' notice. He should be determined by the answer of the noble Lord on this occasion as to whether he should bring forward the motion of which he he had given notice. He was of opinion that it was high time for the noble Lord to give some explanation on this subject, which had been already discussed in all the different gazettes of Europe, the British Parliament being apparently the last place to receive any information with respect to this great arrangement. It was said to have been effected under what he must be allowed to call the lamentable Treaty of 1827, but that arrangement was but one portion of the present complicated and intricate system of foreign diplomacy which was carried on by his Majesty's Government. The case at present stood thus:—The High Contracting Parties signed an arrangement in London, by which they changed what it was supposed would have been an independent kingdom into a sovereignty, they dictating by their votes whom the people of that country were to have for their king. The person whom they had thus chosen to govern Greece, it was well known, was intimately connected wih this country—drawing a large sum of money from the pockets of the people; and if he questioned much the policy of the measure generally, he questioned still more that the people of England would like to see a subject of this country, placed there to spend their money amongst a race—such as the present Greeks, who, he must say, were quite undeserving of any boon which the High Contracting Parties might be disposed to give them. He had heard, that since the completion of the arrangement, the illustrious individual in question had himself expressed doubts of the policy and of the propriety of the arrangement. If that were the case, that illustrious person, he conceived, had acted very wisely. The Sultan had been badly treated with respect to this settlement of Greece. When called upon to consent to it, he said, that it was not what he had understood had been agreed upon in the first instance—namely, the erection of an independent sovereignty; but that he was now called upon to agree to the nomination of a person with whom he had nothing to say. But, placed as the Turk was, how could he resist? Russia, who was so much interested in the arrangement, at once proposed to release the Turk from the payment of a million of ducats, on the latter giving his assent to the arrangement, and the unfortunate Turk was placed in such a situation as to be quite unable to refuse the offer. He must be allowed to say, that our policy, from the commencement to the conclusion of this business, as far as regarded Turkey, had been most disgraceful to the British nation. In the commencement we offered our amicable interposition, and in the end we converted our interposition into hostile aggression. This vacillating, complicated, and disgraceful policy was very different from the foreign policy which had been pursued by the noble individual whose name he unworthily bore. He would recommend the noble Duke (Wellington) to follow that policy instead of one which was so vague and so incomprehensible, that from east to west there was no understanding it. France was despatching an armament, with much pomp and flourish, to the coast of Africa, and she was probably about to act precisely in the same manner on that side of the Mediterranean as Russia already had done on the other. The truth was, that we had been hood-winked both by France and Russia, and it had come to this—that Great Britain, instead of, as she had been wont to do, directing the councils of the nations of Europe, and chalking out the line which they should follow, was obliged to follow in the line which they chose to chalk out to her. He wished the noble Lord would produce those papers, in order to give some explanation of the course of policy that had been adopted in this instance. If the noble Lord promised to do so, he should not persevere in his motion, as he was anxious to avoid the discussion of that or any other question under existing circumstances, while such deep and painful anxiety pervaded the public mind in reference to a subject, compared with which every thing else was but of secondary and minor interest.

The Earl of *Aberdeen* said, he was sure the House would scarcely expect that he should follow the noble Lord through the observations which he had made, the more especially as the noble Lord stated that he had risen merely to put a question. That Question he was prepared to answer, and on this occasion he should do no more than answer it. He begged to state that these papers were in the hands of the printer, and that he should be prepared to lay them on the Table of the House on Monday next; and he had only to add, that he should do so, not in consequence of the Motion of which the noble Marquis had given notice, and still less in consequence of the publications in the foreign Gazettes, but solely because the transaction had now arrived at that stage that his Majesty's Government thought it proper to lay those documents before the House.

The Marquis of Londonderry's notice of Motion for Tuesday discharged.

[The House then heard further evidence on the East Retford Disfranchisement bill.]

HOUSE OF COMMONS,

Tuesday, May 18.

MINUTES.] Accounts ordered. On the Motion of Mr. A. ELLIS, of the number of Persons convicted of Forgery on the Bank of Ireland between 1791 and 1830, distinguishing the nature of the Crime and the Punishment:—On the Motion of Mr. BERNAL, the quantity of Corn Spirits annually consumed in the United Kingdom since January, 1800, with the Rate of Duty each Year:—The quantity of Rum annually exported from the British West Indies since 1812:—On the Motion of Lord CLEMENTS, the number of Fines levied at Quarter Sessions in Ireland during the last five years.

Petitions presented. For abolishing the Punishment of Death for Forgery, by Mr. A. ELLIS, from the Magistrates and Clergy of Evesham:—By Mr. LENNARD, from a Congregation of Independents at Exeter; from certain Inhabitants of Ipswich; and from Tewkesbury:—And by Sir E. KNATCHBULL, from the Bankers of Margate and of Ashford. Against the Truck System, by Mr. SLANEY, from Shiffnall. For exempting Waste Lands from County Assessments, by Mr. H. MAXWELL, from St. Mary, Newton Barry. Against the proposed alteration in the Stamp Duties, by Mr. WALLACE, from the Letterpress Printers of Kilkenny. Against the Insolvent Debtors Bill, by Colonel LYNN, from the Inhabitants of Kidderminster. Against the Sale of Beer Bill, by Sir E. KNATCHBULL, from the Publicans of Tonbridge:—And by Mr. DENISON, from the Publicans of Woking and Chertsey. Against the Administration of Justice Bill, by Mr. EGERTON, from the County Palatine of Chester. Against the renewal of the East India Company's Charter, by Lord G. SOMERSET, from the Iron-masters of Monmouth:—And by Mr. J. MAXWELL, from the Manufacturers of Staley Bridge. In favour of Poor-Laws for Ireland, by Mr. O'CONNELL, from Whitechurch and Garrocloyn. Against allowing the Cultivation of Tobacco in England and Ireland, by Lord BELGRAVE, from the Tobacconists of Chester. Against the Use of Machinery, by Mr. WODEHOUSE, from the Paper-makers of Norfolk. Complaining of the injury done to Trade by the Spanish Expeditions against Mexico, by Lord STANLEY, from the Chamber of Commerce, Manchester:—And by Mr. C. BUTLER, from the Merchants of Glasgow. Against the proposed alteration in the Spirit Duties, by Mr. T. KNOX, from Dungannon:—By Mr. V. SMITH, from the Members of the Chamber of Commerce of Tralee:—And by Mr. HUME, from the Distillers of Aberdeen.

TITHES.] Mr. *Hume* presented a Petition from certain owners and occupiers of land in the neighbourhood of Rochester, in the county of Kent, which was, he observed, of a very important nature. It related to the subject of Tithes, and therefore interested, not merely the petitioners, but all persons in the community. On this account it was certainly worthy the serious attention of the House. A very great change had taken place in the minds of men, of late years, with respect to this subject, as the hon. Baronet near him, who was present at a public meeting, recently held at Penenden-heath, must be well aware. What, he asked, had happened at that meeting? Why, to the astonishment of the nobility and gentry who were there assembled, though the meeting was called for a very different purpose, a resolution was proposed and carried, having for its object the removal of the Tithe-system; and at a meeting subsequently held near Rochester, a similar resolution was voted. It was quite evident, from what had lately occurred, that a general feeling against the continuance of the Tithe-system prevailed, and certainly, in his opinion, it was high time that the system should be removed. In many instances he believed the clergy were very moderate in their demands, and did not insist on what they might call for according to law; but in other cases he had reason to know that Tithes were exacted without scruple, and with the utmost severity. He was instructed to say, and he concurred in the truth of the statement, because it was borne out by his own inquiries in the county of Kent, as well as in other parts of the country, that the Tithe-system was the cause why there were so many individuals unemployed in different parishes. He was quite sure, if the Tithes were removed, that many persons would employ labourers for the purpose of improving their property, which, under the existing system, they could not think of doing. In one instance which came under his own observation, a farmer, who wished to get rid, as far as he could, of the burthen imposed by the Poor-laws, gave up to one of the poor a piece of land for the cultivation of a crop of potatoes. No sooner, however, were the potatoes taken from the ground, than the clergyman sent in his claim, and left the individual by whose labour the crop had been reared, and for whose use it was intended, little or nothing. Now, when this was the case,—when the system operated so injuriously,—he thought the Legislature was bound to take the subject into serious consideration. It was not only injurious to the country at large, and especially the agricultural interest, but it operated to the disadvantage of religion itself. It was impossible to conceive a system which generated greater mischief. It was a system which created hatred and ill-feeling between the pastor and his flock, who ought to be united together by the ties of kindness and mutual respect; it was a system, therefore, which, as it appeared to him, his Majesty's Ministers ought to try to abolish. It was the most onerous and heavy of taxes. If they looked round the world, they would find that the united Empire was the only place in which Tithes were severely collected. The petitioners stated, first, that in the present state of distress great relief would be afforded by the abolition of Tithes, a tax which, by drawing so large a share of the gross produce of the land, was alike injurious to the community in general, to the agriculturists in particular, and to the best interests of religion. To the community, by unavoidably increasing the price of articles of most general and necessary consumption — to the agriculturist, by subjecting them to various vexatious restrictions in the cultivation of the land, and by depriving them of the ability to compete with the foreign grower, or to contend against the importation of grain, which it is the present policy of this country to encourage—and to religion, by proving a fruitful source of discord between the clergyman and his parishioners, and so destroying that harmony upon the continuance of which the success of his spiritual labours chiefly depends. They stated, however, that "In urging the abolition of this impolitic tax, they disclaimed, with the utmost sincerity, any desire to advocate a system of spoliation; on the contrary, they fully admitted the vested rights of private patrons and lay impropriators, as well as the claims of the present incumbents to a life-interest in their present incomes; but, due regard being paid to these, they maintain, that the Tithe-tax is, equally with all other taxes, properly the subject of Legislative disposal; in opposition to the argument now much relied on, that Tithes having been given for the maintenance of religion, are therefore, inalienable. The Roman Catholic might, with some plausibility, advance such a claim to their recovery, they having been originally granted for the support of his creed, but the Protestant can found his right upon the law of the land only—upon that law which, as it gave, can also modify or take away. The petitioners, however, and to this, as a specimen of the feelings of the people, he particularly called the attention of the House, stated that they did not think any such support necessary for the Church. They say that "It has been deemed necessary to accompany all the plans heretofore proposed for the repeal of this objectionable tax with a substitute affording an equivalent income to the clergy; it is however evident, that, although a commutation might remove the inconvenience of the Tithe-system, yet it would afford no diminution of taxation; and as all taxes, in whatever shape imposed fall ultimately upon labour, that the inability to compete with the less taxed labour of other countries would remain unabated. But the petitioners confidently submit, that the time has at length, arrived, when it ceases to be necessary to provide a substitute of this nature, as they consider that, however essential the aid of wealth and honours may have hitherto been to the Church of England, to enable her to lure to her service men of learning and talent, to advocate the truth and excellence of her doctrines and discipline, the necessity for such aid happily no longer exists. This task has been so ably performed as to leave nothing further to be expected or desired, and it may be fairly assumed that the Established Religion can now be safely left to its own intrinsic excellence for its future support. The well-paid labours of those eminent men, who, attracted by the splendid rewards of the Church, have enlisted in her cause, have so simplified the clerical duties as to make them practicable by persons of ordinary capacities and acquirements; to such an extent, indeed, as to render the functions of the clergy of the establishment almost entirely ministerial; for its comprehensive Liturgy, by supplying all the formularies of devotion, whether for prayer or praise, imprecation or benediction, disavowal or belief, and also strictly enjoining the various occasions upon which they are to be respectively used, affords no opportunity for the exercise of judgment, the exhibition of talent, or the display of learning." The petitioners stated also, with perfect truth, that the duties of these clergymen, for which such large sums have been paid, might be performed by almost any person. "Nor," they say, "do the duties of the preacher, any more than the minister require an education superior to that which is usually bestowed upon the middling class of society; for the inexhaustible stores of invaluable sermons which have emanated from the labours of those highly-gifted divines who have, at different periods, shed a lustre upon the English Church, afford a fund of instruction admirably adapted for every purpose, and to select from which requires but a moderate portion of literary attainments. The qualifications for the proper performance of these functions being few, and the acquisition of them not requiring expense, as they consist principally of propriety of demeanour, and the possession of the natural advantages of suitable voice and delivery, but moderate stipends would be necessary to ensure a sufficient number of competent candidates, and the payment of these stipends might be safely left to the generosity of their respective congregations; for the petitioners consider that it would be a libel upon the members of the Established Church to doubt for a moment their liberality for this purpose, when it is seen how respectably the different Dissenting Congregations maintain their pastors, and how readily they supply large sums for the erection of chapels and establishment of schools." The petitioners expressed an opinion, which he thought all history confirmed, that there was no occasion for the Legislature to provide for the welfare of religion. It was well known, in fact, that religion flourished most where political establishments for its support were unknown. The petitioners said, that in their plans of reform there were no incomes from the State, for future Archbishops, Bishops, and the other dignitaries of the Hierarchy. But the admirers of Episcopacy need experience no alarm on that account, for the history of the early periods of the Church satisfactorily shows that the care of suitably providing for all orders of its establishment may be safely intrusted to the proper feelings of the people. In that he coincided, and thought that Scotland and the United States were living examples of the truth. that to provide large establishments for the clergy, did but starve religion. He, for one, should be glad to see the Church Establishment of England cut down, and he cordially concurred with the petitioners in the concluding part of their prayer, thinking with them that the best way to preserve the Church of England would be to reform it. They say that they have thus sketched the outlines of a scheme of reformation, which, when matured, would, they believe, work well, be generally approved, and render the abolition of Tithes easily practicable. This plan would receive the approbation of many, who consider a wealthy priesthood as peculiarly unfitted to inculcate the precepts of Christianity, and who regard the unexpensive provision for its primitive teachers, as indicative of the desire of its Founder, that his servants should look, not to riches or rank, but to a reward of a far different nature, as the recompense for their labours. Others, who are desirous of upholding the Church of England, would truly calculate that its adoption would tend to ensure the stability of that now tottering fabric, as, when shorn of its wealth and temporal honours, it would cease to be the object of attack, either of the financier or reformer. Those who are enamoured of the beauty and sublimity of the language of its liturgy, or impressed with the conviction of the truth and importance of its creed, would most effectually protect these from innovation, by confining the office to a class of men who, from their functions being ministerial, would have neither opportunity nor temptation to deviate from the path of orthodoxy; whilst the community in general, and the agriculturists in particular, finding themselves relieved from an oppressive tax, would hail the reform with unalloyed satisfaction. The petitioners, therefore, pray your honourable House to take the necessary steps to effect an early abolition of the Tithe-tax—a measure which would give more satisfaction to the country, and reflect greater credit upon the Legislature, than any enactment that has been carried for centuries past; and, when coupled with the boon of religious liberty, lately so liberally granted, would entitle the present Parliament to be mentioned in terms of the most glowing eulogium, by the historian of the United Kingdom." He wished to call the attention of Ministers to this subject, as it respected Ireland. If the people of England were beginning to complain of Tithes, what must the people of Ireland do, whose situation was so much worse than that of the people of England. If in England the people found it difficult to pay Tithes to clergymen of their own religious persuasion, how much more disadvantageously circumstanced were the great body of the people of Ireland, who were obliged to support a clergy that did not belong to their Church, while at the same time they were called on, by feelings of duty, to pay their own pastors? The right hon. Gentleman who, on the preceding evening, had expressed so much anxiety for the purity and stability of the Church, would do well to turn this subject in his mind; for he might rest assured, that the Established Church was threatened with more danger from the existence of the Tithe-system, than possibly could arise from allowing the Jews to have a full participation in the rights of British subjects. If the hon. member for Dorset were present, he (Mr. Hume) would ask him to propose a resolution, pledging the House to put an end to sinecures in the Church in a like manner as it had been proposed to do away with State sinecures. Clergymen should not be allowed to eat in idleness the revenues of offices of which they omitted to perform the duties, as but too many of them did. 11,000 livings in England were held by about 6,000 clergymen, the duties of nearly one-half the livings being performed by deputy. Under such circumstances it was not surprising that petitions should be sent to that House against our Church Establishment. Norfolk had petitioned as well as Kent, and as there was no reform which would be of more benefit to the people than that of our Church Establishment, so he thought there was none so likely to excite a lively interest in the people, and make them send petitions to Parliament.

Sir *R. H. Inglis* protested against the doctrine of the hon. Member, which he had then advanced with more than his usual hardihood. He denied that the clergy were to be considered, like the military, the stipendiaries of the State, and denied that the State had the power of dealing with their incomes as it might deal with the pay of soldiers. He asserted that the one-tenth of the produce of the land was as much the property of the Church as the remaining nine-tenths were the property of the owners of the soil. One-third of the Tithes, however, was the property of lay impropriators, and that was exacted with more rigour than the two-thirds which were in the hands of churchmen.

Mr. *Protheroe* admitted, that the clergy were not under the control of the State exactly like soldiers, but he thought, nevertheless, that they were liable to be called to account by the public for their management of Church property. He was not prepared to argue against a Church Establishment, and on that account was anxious that the clergy should obviate objections, by discharging their duties properly, in proportion to the amount of the salaries which they received.

Sir *E. Knatchbull* said, that there was no body of men who discharged their duties more conscientiously than the clergy of the Established Church, as far as he was acquainted with their character. He denied that the petition agreed to at Penenden-heath expressed the sense of the county of Kent on the subject of Tithes. If the Tithe-system required amelioration, there was a bill before Parliament to effect that object, and it would be more appropriate to take the discussion on that bill, than upon the presentation of a petition.

Mr. *F. Palmer* said, that the proportion of Tithe to rent was much more than one-tenth, which the hon. Baronet claimed for the clergy. He knew an instance in which, four years ago, the rent of a farm was 600*l.*, the Tithe amounted to 140*l.*; when, in consequence of the depressed state of agriculture, the rent was reduced to 500*l.*, an application was made by the tenant to reduce the Tithe. The application was refused, the Tithe-owner telling him, "As your rent has been reduced, you will be the better able to pay my Tithe."

Mr. *Baring* said, on a former occasion he had put a hypothetical case, namely,—that if the revenues of certain sees (he had those of London and Canterbury in his eye, although he did not name them) became worth upwards of 100,000*l.* a year, it might be proper for Parliament to reduce, and make a more equal distribution of those revenues. He had reason to believe, both from the statements of a right rev. Prelate (the Bishop of London) in another place, which he implicitly credited, and from other sources of information, that very exaggerated ideas were entertained of the value of certain sees, and he now wished to say so. The income of the see of Winchester, during the first year of the present Bishop's incumbency, had been stated at 90,000*l.* He believed this to be a gross exaggeration. He deduced one consolatory fact from the statement of the right rev. Prelate, when he admitted, that if the revenues of sees should ever amount to the enormous sums represented, it would become the duty of Parliament to divide them. The Church made a great mistake in shunning inquiry. Undoubtedly the amount of Tithe was great; in the neighbourhood where he sometimes resided in Hampshire, it was from one-third to one-fourth of the rent. But he must say that, generally speaking, what the Church took was much less than it was entitled to. The system of commutation had worked well in Ireland, and might be attended with beneficial effects in this country. The wit of man could not devise a mode of payment more calculated than the present to prove inconvenient to agriculture, or more inconsistent with the interests of religion.

Mr. *Estcourt* concurred in what had fallen from the hon. Baronet, but as there would be more fitting occasions to discuss the merits of the Church than on the presentation of a petition, he should say nothing on the subject.

Mr. *Hume* could not see anything delicate in the question, and certainly clergymen never had any delicacy in the collection of their Tithes. No body of men in the country were more indelicate than the clergy. They had no scruple in exciting ill-will, and took one-third, and not one-tenth, of the property of the country with the greatest coolness. They had certain duties attached to their situations, which they swore to discharge, and when they did not discharge those duties, they were guilty of a fraud, and received money upon false pretences. He wanted to see the Church of England put upon the same footing as the Church of Scotland, and then he should be satisfied. To the hon. Baronet, the member for Oxford, he should only reply, that if he did not like discussions of this sort upon petitions he (Mr. Hume) was quite ready to fix an open day for bringing the subject forward upon regular motion.

Mr. *Protheroe* wished the House to remark, that there was a broad distinction between the clergy and religion. If anybody talked of dilapidated churches, neglect of duty in the education of the poor, or the exaction of Tithes, then it was a matter of great delicacy. Religion might be attacked with much less ceremony.

IMPRISONMENT FOR DEBT.—LIBEL LAW.] Mr. *Hume* presented a Petition from persons confined for Debt in the Borough Gaol of Liverpool, against Imprisonment for Debt. The hon. Member admitted, that the clause in the Attorney General's bill, which restricted arrests on mesne process to sums of 100*l.* or upwards, was taking one step; but he hoped the House would by this time have been prepared to do away with imprisonment for debt on mesne process altogether.

The *Attorney General* said, that he was not called upon to state his opinion upon the subject of imprisonment for debt. Whatever that opinion might be, as long as the public opinion was divided on the subject, and a majority of that House was against the abolition of arrest for Debt on mesne process, it would not be consistent with the duty of the situation which he held to attempt to force upon the country a measure which would subvert a system that had now existed for so many years. He would take this opportunity of putting it to his noble friend, the member for Morpeth (Lord Morpeth), whether he would persevere with his motion which stood for that evening, viz.—"To repeal so much of 60 George 3rd, c. 8, as subjects persons, upon the second conviction for libel, to banishment." It was his intention to move for leave to bring in a bill, which would effect precisely the same object which his noble friend had in view. His measure would also contain a clause to facilitate the recovery of damages for Libel; but still it would do all his noble friend proposed to do; and he took this opportunity, therefore, of putting it to his noble friend, whether it would not be better for him to withdraw the motion of which he had given notice?

Lord *Morpeth* said, that as he had already postponed this motion at the request of his hon. and learned friend, he thought he should be justified in calling upon his hon. and learned friend to state more explicitly the nature of the accompanying measure before he acceded to the suggestion now made to him.

The *Attorney General* said, that the measure would apply, not to existing newspapers, but only to newspapers which should be hereafter established. The object of it was to call upon the proprietors of all newspapers established *de novo* to give additional security to the amount of 100*l*. His view in proposing such a measure was simply to enable persons to recover from newspaper proprietors those damages which a court of justice might award. A measure similar to this had passed about ten years ago without objection, and his bill would only carry that measure to the farther extent he had mentioned—namely, to 100*l*. Whatever difference of opinion there might be, as to the propriety or impropriety of allowing the press to say what it pleased upon public matters, yet he believed there was only one opinion respecting the manner in which Libels upon private individuals should be dealt with. He believed it to be generally held, that private Libels ought to be checked. To effect this was his object. He need not remind the House, that persons who had been guilty of such Libels—of Libels of a very grave character—had escaped the payment of damages, because they had no tangible property.

Lord *Morpeth* said, that since a part of his hon. and learned friend's measure would effect all that he proposed to do, he felt that he should not be justified in refusing to resign the matter into such hands. At the same time he must express his deep regret that his hon. and learned friend had not contented himself with simply repealing this disgraceful act; for with respect to the accompanying measure which his hon. and learned friend had now explained, he could look upon it only in one light—he could consider it only as another restriction on the liberty of the press. This was his present impression; and if, on consideration, he saw nothing to induce him to alter the opinion he now expressed, he should certainly move, when they went into a committee on the Attorney General's Bill, that the whole of it should be struck out, except that part of it which repealed the act of George 3rd.

Mr. *Bright* did not rise to offer any opinion upon the proposed measure, but to allude to one which the Attorney General had already brought in. He objected to so many important subjects being mixed up in one bill, especially when, as in the present case, they had no connexion with each other. The clause respecting arrest on mesne process ought to be struck out and discussed by itself.

Mr. *Cutlar Ferguson* differed from the hon. Member who had just sat down, and thought the clause respecting arrest was very properly admitted into a bill the professed object of which was to improve the administration of justice. With respect to the proposed measure of his hon. and learned friend, he begged also to express his regret that his hon. and learned friend had not contented himself with repealing at once that act which was a disgrace to our Statute-book, instead of accompanying the repeal with another measure of questionable propriety.

Mr. *O'Connell* protested against the principle on which the Attorney General was proceeding with respect to arrest. Security ought to be taken from persons making affidavit for debt. As to the proposed measure of the Attorney General, he was sorry to hear that there was to be another shackle on the press. The public had at least a right to expect that the monopoly of the press should not be continued in the hands of the present owners; but restrictions which would prevent others embarking in that trade would have that effect. Above all, the Attorney General ought to give them the definition of "libel," and no man ought to be punished at all for an undefined offence.

Mr. *C. Barclay* hoped the proposed alteration in the law of arrest would be maturely considered before the House agreed to it.

Lord *Morpeth* withdrew his Motion.

WEST INDIES.] Lord *Chandos* begged to ask the right hon. Secretary for the Home Department whether it was the intention of the Government to oppose the motion of his hon. friend (Mr. Keith Douglas) for a committee to inquire into the distressed condition of the British West India colonists?

Sir *R. Peel* said, that as he had not yet heard the terms of the reference to the committee, it was hard for him to answer the question of his noble friend. While he could not say that the Government were altogether prepared to resist the motion, yet he must put it to his noble friend and to the hon. mover, whether any public advantage could result from the appointment of such a committee at this late period of the Session. He thought it, too, well worthy their consideration, whether much public inconvenience might not arise from such a committee making recommendations which there was no chance of their being able to carry through Parliament in the present Session. He could assure his noble friend that the Government were deeply impressed with the importance of the subject, and that they felt much that distress which it was understood existed in the West India colonies.

DISTRESS.] Mr. *O'Connell* presented a petition from Journeymen Silk-weavers of Spitalfields. The petitioners stated that there was too much money spent in building churches and palaces; that there was a German prince who had 50,000*l.* a year, and who ought to be contented with 5,000*l.*; they complained of distress, and said that their condition was worse than that of the negroes, and they prayed for the repeal of the corn-laws, for reduction of taxation, and for reform in Parliament.

Mr. *Fyler* supported the prayer of the petition, and bore testimony to the sufferings of the petitioners. They were obliged to work sixteen hours a day, and that was not enough to obtain them the means of subsistence. It was a mistake to suppose that any improvement had taken place in the silk trade; and the petitioners complained, with justice, of the foreign competition and high price of provisions against which they had to contend.

Petition to be printed.

CASE OF JAMES KELLY.] Mr. *O'Connell* presented a petition from James Kelly, late lieutenant of the revenue police, complaining that he had been dismissed without trial, and praying the House to take his case into consideration.

Mr. *G. Dawson* said, that the petitioner had been dismissed for claiming and receiving the reward for services which had never been performed. So far from having been dismissed without trial, the petitioner had been confronted with the witnesses, his case had been fully heard, and the charges had been completely proved against him.

Lord *Clements* said, the petitioner had received so high a character from persons of the greatest respectability, that he thought his case ought to be reconsidered, at least the papers connected with the case ought to be produced to the House.

Mr. *G. Dawson* said, that the petitioner had had every opportunity given him of exculpating himself, and that he had failed entirely.

Mr. *C. W. Wynn* protested against that House being made a court of appeal for the reconsideration of cases already decided by the competent authorities.

Mr. *O'Connell* said, that he knew nothing of the petitioner or of his case before the present occasion, but he had seen testimonials, the most satisfactory, as to his conduct, and all he was anxious to press upon the House was, that the case of the petitioner should be again revised, so as to give him the opportunity he prayed for, of bringing forward such proofs as would be sufficient to exculpate himself from the charges made against him. The offer which the petitioner made of bearing the whole charge of any further investigation was, he thought, a very fair one, and he hoped would weigh with those who had the power of granting a new inquiry.

On the question that the petition do lie on the table,

BORRISOKANE TRIALS.] Mr. *Doherty* said, he would take that opportunity of putting a question to the hon. and learned member for Clare, with respect to the course he intended to pursue as to the two petitions of which he had given notice on the subject of the Borrisokane trials. These petitions referred to the course which he had pursued on the trials arising out of that transaction. The hon. and learned Member's notice had stood on the books for some time, and was now further postponed. At nearly two o'clock the preceding morning, as he found from the votes, the notice for presenting the petitions was withdrawn, and no day was fixed for bringing them before the House. Under these circumstances, he should wish to know from the hon. and learned Member whether he was to understand that he was to banish the subject altogether from his mind, for it was extremely unpleasant to have a matter of this kind hanging over him. He wished to know now what course the hon. and learned Member intended to take.

Mr. *O'Connell* said, it was true the notice was taken out of the orders, as the hon. and learned Gentleman had stated, but the intention of presenting them was not wholly given up. His own wish on the subject was, that, under all the circumstances, the matter should not be further pressed, but it did not rest wholly with him. He had written to the parties from whom the petitions came, advising them to allow him to withdraw the petitions altogether, or to confide them to the care of some other hon. Member. To that letter he had not received a reply, and could not before Saturday; and on Monday he should be able to give the hon. and learned Gentleman a definitive answer.

BUSINESS OF THE SESSION.] Mr. *C. W. Wynn* wished to know what course his right hon. friend intended to take with respect to the resolutions which had been agreed to in the case of Sir Jonah Barrington.

Sir *Robert Peel* replied, that the public interest required that some steps should be taken in that case; but in the present state of public business in the House, he hardly knew what day to name for taking the resolutions into consideration, with any hope that they could be brought forward at a reasonable hour. Indeed, such was the state in which the public business now stood, that he felt it would be necessary to introduce some measure for regulating it in the next Session. It was now half-past seven, and that which, properly speaking, was the public business of the evening,—he meant the motions or orders of the day,—had not been commenced, owing to the number of petitions, and the discussions which took place on them. He did not lay the blame on any person, or say that those petitions should not be presented and considered, but some arrangement must be made, by which the fixed business of the day should be brought forward at an early hour. With respect to the case of Sir Jonah Barrington, to which his right hon. friend had referred, he thought it would be extremely inconvenient, and not consistent with what was due to the public interest, to postpone it to the next, or delay it to a very late period in the present Session. Under these circumstances, and considering the state of other business in the House, he thought they should be justified in departing from their ordinary course, and fix it for an early hour on Saturday. He would say, to meet at two o'clock on that day, in order that they might be able to get through it, with the understanding that they should take no other business on that day.

Mr. *Hume* said, that he could have no objection to the course proposed by the right hon. Gentleman, on the subject of the state of business in the House. He, for one, had no objection that the public business—the fixed business—the Orders of the Day or motions—should commence at an earlier hour—say seven o'clock—but that it should also close at a much earlier hour than it did at present—he would suggest twelve o'clock, which he thought was late enough. It was impossible that even the most powerful constitutions should not feel exhausted by the very late hours to which debates were protracted night after night. He would mention, for instance, the case of yesterday: he, who was not a very early riser, got up yesterday morning at seven o'clock, and did not get to bed this morning until a quarter-past four; so that he was twenty-one hours engaged, and had spent the greater part of that time in the House, to which he had come down at twelve o'clock in the day. This was more fatigue than any man ought to be subject to in the discharge of public business, and which few persons could bear long without injury to their health. The right hon. Gentleman had mentioned the necessity of some future regulation with respect to the business in that House; and he would suggest to him that one great improvement, by which much of the pressure now felt might be avoided, would be for the House to meet a couple of months earlier than it usually met, and to sit later. He would say, let Parliament be called together in November, and if it were, a great portion of the public business would be despatched before the present usual time of meeting. The want of such a regulation occasioned the inconvenience that was now felt. Surely it would not be said, that twelve o'clock at night was a proper hour for the introduction of a measure to alter the judicial administration in England, and Wales; but a bill for that purpose had been introduced at that hour in the course of this Session. He should hope, therefore, that some regulation would be made by which this inconvenience might be avoided in future, and he did not know a better way than to call Parliament together at an earlier period.

Sir *Robert Peel* observed, that the suggestion which he had made did not refer to the convenience of Ministers more than to that of other Members. Considering the business to be done, he did not think, if the House sat the whole year, and transacted public business only from seven to twelve each evening, that the time would be sufficient to get through it. To fix the latter hour as that of adjournment each day would often be attended with great inconvenience. It would occasion frequent adjourned debates, which would render the bringing forward any business fixed for the following day as uncertain as at present, when so many matters stood for the same evening. For instance, if the debate of last night, which lasted till nearly three o'clock, had been adjourned at twelve o'clock, it would have been found much more inconvenient than having it protracted even to that hour. However he had mentioned the necessity of some regulation as to the mode of conducting business in future, not with the view of proposing any thing immediately, but in order that hon. Members might consider the subject, with a view to what might, in future, be advisable.

Mr. *Huskisson* thought, that much of the time of the House might be saved if hon. Members, in presenting petitions which related to bills before the House, would abstain from making any remarks on them until the proper time arrived for the discussion. Much of the time of the House was consumed in desultory observations which led to no result. He was aware that he spoke this with a bad grace, as he should have to occupy the House at some length on the subject of the petition which he should have to present on Thursday; but there was a difference between that and the ordinary run of petitions relating to bills—for the subject which he should bring forward was one to which the House could not immediately apply a remedy; though great benefit, which he expected would be the case, might arise from the discussion of it. In the other cases, however, much time might be saved, and greater facilities given to the despatch of the general business of the House, if desultory remarks were avoided.

Lord *F. L. Gower* said, that he would now move that the Resolutions respecting Sir Jonah Barrington be taken into consideration on Saturday.

Motion agreed to.

BRITISH WEST-INDIA COLONIES.] Mr. *K. Douglas*, referring to what had fallen from his right hon. friend (Sir Robert Peel) respecting his motion on the state of the West-India Colonists,—namely, that no practical good could be expected to result from its introduction at so late a period of the Session,—observed that it was not in his power to have brought it forward earlier. He was sensible of its urgency, but the state of business had been such that he had no option. He wished, however, that it might be understood that he was not a volunteer on the occasion. He and his noble friend (the Marquis of Chandos) had been selected twelve months ago by the West-India Colonists to represent their interests to that House. They had made themselves acquainted with the subject, having got every information respecting it which the Colonists could give, and had laid their statement before the House; and though they had last year not been able to obtain the redress which they sought, they were ready now again to urge the subject on the attention of Parliament. At the same time he must always contend that it was the duty of the Ministers to take upon themselves the responsibility of submitting this question to the House. The nature of our colonial possessions imposed that necessity upon them; and it would be much more satisfactory to him if the Ministers would state that they were willing to take the subject into consideration in the course of the next Session. If they consented to do so, he should expect that they would offer their own views in their responsible character. This would spare him a task to which he felt himself incompetent—that of making the case under all its peculiarities and difficulties thoroughly intelligible to the House. If he could receive an assurance to this effect, he should feel that he had discharged his duty much more effectually and advantageously to the interests which he had advocated, than if he himself brought the question forward. If, however, Ministers would not give any such pledge, he, inadequate as he might be to the task, would endeavour to make out the case to the House and the country, and show how the ruin of hundreds of respectable individuals would be involved by the further neglect of the case on the part of Government. He did earnestly hope, however, that Government would save him that trouble, and in that feeling, if he understood that Government did really mean to apply itself to the subject, he would not press his Motion now.

Mr. *Herries* said, that if his hon. friend wished to know whether the Government were disposed to do all in its power to alleviate any evils connected with the subject to which he referred, and to take it fully into its consideration, he could assure him that he and those with whom he acted would not be found wanting in a disposition to comply with his desires as fully as possible in that respect. At the same time he could assure the hon. Member, that however Government might be disposed to relieve the commercial relations of the West-Indian interest from embarrassment, any immediate remedy for the evils complained of was impossible. Under such circumstances, he could not think it would be advisable for his Majesty's Government to give to the hon. Gentleman or the House the pledge which he now required.

The Marquis of *Chandos* observed, that it had long been a subject of lively regret to many as well as himself that in a question of such vital interest to this country—namely, the prosperity of the West-India Colonies—their interests had not been taken up as they ought to have been by his Majesty's Government: he was connected with those Colonies himself, and feeling, as he did, that they were a suffering and overburthened part of this great empire, their interests, he thought, imperatively called on the Administration to take up their affairs, with a view to afford that portion of our dominions advantages equivalent to those enjoyed by other portions of our colonial establishments. If Ministers, in that spirit, would consent to pledge themselves to take up the subject, with a view to their relief, he should recommend his hon. friend to leave it in their hands, otherwise he should prefer the adoption of some other parliamentary mode of inquiry.

Sir *Robert Peel* said, that the proposition made by his hon. friend was different from that made by his noble friend who had just spoken. His noble friend said, that Government must give a pledge to bring forward some measure of relief; but he put it to his noble friend, if it were either the interest or the duty of Ministers to pledge themselves to any specific measures. If his noble friend reflected for a moment, he would see the propriety of Government being sparing in its pledges, and slow to contract engagements, but careful to fulfil all those it contracted. If he were unable to pledge the Government to any measures of relief, he could assure his noble friend it was not from want of consideration of the West-India interest, but from a wish not to enter into engagements which it might be impossible to fulfil. He was convinced, unfortunately, of the depression of the West-India interest, but he did not see how any measures could be undertaken for its relief during the present Session. His hon. friend, who had spoken before his noble friend, seemed content to acquiesce in the recommendation that Government should take the matter into its consideration. He would so far pledge the Government, that he would undertake that it should investigate the matter, and should give him notice of its intentions at so early a period, that he should be able, if he did not approve of them, to bring forward his Motion on the first week of the next Session of Parliament. If his hon. friend postponed his proposition till next Session, there would then be time to make the inquiry more complete, and find some practical remedy. When he mentioned the late period of the present Session, it was with no intention to cast any reflections on his hon. friend. He knew that his hon. friend had been anxious to bring forward the subject, but the state of the Order Book had been such, that he had not been able. The best course, he believed, for his hon. friend would be, to acquiesce in the proposition of Government—allow it time to examine the matter, on its undertaking to give such an early notice to his hon. friend, that he might submit his proposition to Parliament the first week in the next Session, if he were not satisfied with what the Government should then find it proper to recommend.

Mr. *K. Douglas* said, if he understood his right hon. friend correctly, he undertook for the Government that it would examine into the Question, admitting that the West-India interest was in a state of difficulty and distress; that he would make an investigation, and be prepared, before the next Session of Parliament, to notify to the West-India interest the views of the Government after such investigation. Being perfectly satisfied that the Government would undertake the inquiry with sincerity and determination, he should find it his duty to accede to the proposition of his right hon. friend.

Sir *A. Grant* expressed his satisfaction at the matter being left in the hands of Government, as it was both able to investigate the subject thoroughly and apply a practical remedy. He begged leave, however, to call the attention of his right hon. friend, the Chancellor of the Exchequer, to the state of overwhelming distress in which the West-Indies were involved, and to ask if some practical remedy might not be found in equalizing the duties on sugar. At present the duties pressed most unequally, because they were the same on the finest as on the coarsest sugars. He was perfectly aware of the difficulties of the subject, but still he thought it might be possible to levy an *ad valorem* duty on sugars, and he believed that a duty of that kind would be more advantageous to the public than a great reduction of the duty on sugar. That would give the lower classes an opportunity of getting the coarse sugars cheap. He would also recommend a lower rate of duty for sugar in Ireland, which he thought was justified by the Chancellor of the Exchequer having departed from general principles, in levying a different rate of duty on Spirits in Ireland and England. Though a West-India proprietor, he was not particularly interested in the *ad valorem* duty he recommended, for he possessed land that produced fine sugar as well as land that produced coarse.

The *Chancellor of the Exchequer* said, though he was not in general a very orderly person, yet he must, on this occasion, set an example of order to his hon. friend who, though at times the preserver of order among others, had, on this occasion, been most disorderly—he must show his sense of what was due to the usual course of proceedings, by refusing to enter into the subject, as there was no Question before the House.

Mr. *Hume* protested against this manner of disposing of the Question. When the Government and the Legislature undertook to protect different interests, the public was sure to suffer. He wished to see the public protected, and he recommended that the duty on sugar should be reduced, which might be done without injury to the Revenue, and would give time to investigate the matter thoroughly, so as to lead to some permanent measure. He wished the people to understand what the Colonies cost them, and if the noble Lord and the hon. Gentleman would not bring forward their Question, he should not be sorry if they obtained no relief.

FIRST FRUITS—IRELAND.] Sir *John Newport* rose to bring forward a Motion that would make a large Revenue, that was once at the disposal of the Crown, and had been appropriated by it for the service of the Church of Ireland, but much misapplied, again effective to the public service. He had brought forward, in 1808, a motion similar to the present, and it was then rejected by a majority of 17. He had again submitted the subject to the House in 1824, and then it had been negatived by a majority of only 12.

He then, for a third time, meant to submit a Motion which would have for its object to carry into effect the benevolent views of the Crown, which had appropriated a great branch of its revenue to the service of the Episcopal Church of England, but which had failed to accomplish the object intended, owing to the negligence of the members of the Government and of the Legislature, in not properly enforcing the benevolent views of the Crown. At the Reformation the First Fruits became a part of the revenue of the Crown, and were regulated by the Irish Acts of 26th and 28th of Henry 8th, and continued to form part of the royal revenue till 1710. In that year, Queen Anne bestowed on the Church of Ireland the First Fruits, or the first year's revenue of all vacant benefices, for the purpose of repairing the Churches, and buying glebes, and other useful purposes. Queen Anne also remitted the 1*s.* in the pound, or the twentieths, which the clergy were bound to pay. The clergy of England had not been returned the tenth they were bound to pay, and they continued to pay these tenths. Their benefices also, which were valued in the time of Henry 8th, Elizabeth, and Charles 1st, were valued at a much higher rate than the benefices of the Church of Ireland. The revenue derived from the Irish First Fruits was so inconsiderable that the Parliament had frequently made grants to keep churches in repair, and provide for other ecclesiastical objects, for which these First Fruits, if properly appropriated, would be sufficient. In the ten years ending January 1821, according to Returns laid on the Table of the House, the First Fruits of Ireland had yielded 3,722*l.*; and in the ten years ending with January 1830, they had yielded only 5,140*l.* A salary of 127*l.* was paid out of the former sum, and 740*l.* out of the latter. But during these last ten years fifteen Bishopricks, and four Archbishopricks had fallen vacant. The First Fruits of all the revenues ought to have been paid, and yet only 5,140*l.* was paid as one year's revenue of fifteen Bishopricks and four Archbishopricks. During seven years of the same period, the First Fruits in England had yielded 14,270*l.* Many of the benefices of Ireland had never been valued at all, and several had been valued at a rate far below their worth. While this fund had been misappropriated, the grants of Parliament to the Irish Church had amounted to 686,000*l.* According to the valuation for the First Fruits made in the time of Elizabeth, ninety-three parishes were estimated at 258*l.* 12*s.*; but fifty-seven of these parishes had compounded for their tithes, and these fifty-seven alone paid the incumbents 18,259*l.* The right hon. Baronet then referred to the observations of the Primate Boulter, contained in a letter addressed to the Archbishop of Canterbury on December 24th, in 1724, to show that the Irish clergy had always been unwilling to contribute to the wants of the Church, and had always appropriated to themselves the revenues which ought to have gone to beautify and repair Churches. He then entered into a comparison of what was contributed under the name of First Fruits, by the English and Irish Bishopricks: Derry, he said, which was a rich See, having an annual revenue of 20,000*l.*, paid as First Fruits 250*l.*; while Rochester, a very poor See paid 322*l.* Cashel paid 93*l.*, Cloyne paid 10*l.* 10*s.*, Killaloe paid 20*l.*, Clogher paid 350*l.*; Cork and Ross 50*l.*, while Winchester paid more for First Fruits than the whole of the Irish Archbishopricks and Bishopricks. Some years back, a conscientious individual, Mr. Shaw Mason, First Joint Remembrancer and Receiver of First Fruits, made an attempt to raise them to their proper amount, or take the full value of the First Fruits from the Irish clergy. By the words of the Joint Patent passed under the Great Seal, he was empowered, from time to time, "To collect, levy and receive, and to examine and search for the just and true value of all and singular Archbishopricks, Bishopricks, and all other ecclesiastical dignities and benefices whatever in Ireland, and to compound and agree for the said Fruits according to the rates of taxation thereupon made, or thereafter to be made, and by different Statutes or Acts of Parliament made in Ireland in the 28th year of Henry 8th, ordained and established, and to do and execute the several other things therein mentioned." Mr. Shaw Mason accordingly applied to the Board of First Fruits for the money which he thought he was entitled to demand under that authority. Great alarm was at first felt, and some of the clergy who had not paid, hastened to pay their First Fruits, but upon tendering the sum at which their Sees were rated in the time of Henry

8th, they were still more alarmed at being informed that the patent required the receiver to search into, and ascertain the true value of the First Fruits and to take only that sum. They immediately applied to the Government of Ireland to interfere, which it did in a most extraordinary manner, by referring the case to the Attorney and Solicitor-generals, both of whom were ex-officio members of the Board of First Fruits. Their opinion very naturally was, that the Patentee had no right to examine into the just and true value. Mr. Shaw Mason also submitted a case to a Counsel who had no connection with the Board, and he gave it as his opinion, "that the Patentee ought to ascertain the true value." With such a conflict of legal opinions, the matter ought to have gone to the Judges for decision, but the Government of Ireland took a very different course from appealing to the tribunals of the country. The present right hon. the Chancellor of the Exchequer who was then Secretary for Ireland, wrote the following letter to Mr. Shaw Mason, which he would take the liberty of reading to the House ;—

> "*Dublin Castle*, 20*th January*, 1823.
>
> "Sir :—The Lord Lieutenant has received from the Board of First Fruits, a memorial, in which they state, that you acting for yourself and the other patentees of the office of First Fruits, have since the month of May last, uniformly contrived to refuse, from the Archbishops and Bishops who have been appointed by the Crown, and from the several beneficed Clergymen, who have been instituted or entitled to institution since that time, the First Fruits payable by a valuation upon the records and books now remaining in the Court of Exchequer, upon the pretence of certain powers vested in you, by your patent; and as it appears that you have been put in the possession of the opinion of the Attorney General, in which he states the course pursued by you to be not justified by law, I have received the Lord Lieutenant's commands to desire that you will no longer oppose obstacles to the due institution of the several Clergy concerned, or continue by your refusal to receive the First Fruits, to impair the fund committed to the charge of the board."

Impair the fund indeed! why the object Mr. Mason had in view was to augment it. In his reply he stated, "Under all these circumstances, I did not feel myself warranted in accepting from the several persons who have recently been promoted to ecclesiastical dignities and benefices, less than the just and true value of the First Fruits of the same, or the nominal value, reserving the Crown's right. And on taking into consideration the great benefit that must accrue to the Church from an improved collection of the revenue of First Fruits, without any increase to the public burthens of the country, I trust that I shall stand justified in his Excellency's opinion, in the course which I have adopted, and in waiting the orders of the Lords of the Treasury on the subject." In answer to this Mr. Mason was told, that in the opinion of the law officers of the Crown, his patent was not a commission under the Great Seal, and that he was not bound to make any valuation of benefices under the Statute. The Government added, that if he persisted in exercising a power, which it was never intended he should possess, it would be under the necessity of revoking his patent, which was held during pleasure. The reward, therefore, in Ireland, for a diligent performance of public duty, was dismissal from office: well might his poor country get the reputation of blundering! Mr. Mason consulted Mr. Allen, after this decision of the law officers of the Crown was known to him; and Mr. Allen's opinion, which he thought the House ought to be made acquainted with, was this. "I think the Attorney and Solicitor General agree with me, that the power of new valuing benefices &c. is still vested in the Crown. I have considered my former opinions, and Mr. Mason's commission, and adhere to my opinion, that the Patent, appointing Messrs. Glascock and Mason, Remembrancer and Clerk of the First Fruits and Commissioners, is a commission under the Great Seal, within the meaning of the Statute of Henry 8th, referred to in that opinion, and that as commissioners appointed by that commission, they have authority to make valuation of Benefices under that Statute: such powers are expressly given them by that commission, as the Chancellor, Master of the Rolls, and Vice Treasurer had under that Statute; and they are thereby appointed commissioners. Now one of these powers, which (if that commission had not passed) would be vested in those three officers, is that of valuing benefices. The commission is under the Great Seal, and I really do not see how it is possible to mistake, or explain away the nature or extent of the powers, vesting in Mr. Shaw Mason and co-patentees. Mr. Mason should, however, in my opinion, submit to the commands of the Lord-lieutenant." Had these First Fruits remained in the possession of the Crown, there could be no doubt that they would have been augmented, like other revenues of the Crown: new valuations would have been made from time to time, and the First Fruits would have been a handsome sum, instead of that small pittance it had pleased the avarice of the Irish clergy to make them. He did not wish that any existing incumbent should be inconvenienced by a new valuation, but that all livings and sees should henceforward pay, as First Fruits, the actual amount of a year's revenue. While this money, which ought to have been appropriated to the repairs and building of churches, had been stopped by the clergy, and appropriated to their own use, the Government had been making liberal grants for that purpose. And what was worse, the landed property of Ireland had also been subjected to heavy burthens on the same account. He had to complain too of the partial manner in which the Board of First Fruits exercised its functions; and he knew several instances of their giving large sums to parishes in which influential individuals resided, and refusing assistance to those parishes that were more in need of it. Mr. Grattan had given some very able advice on this subject long ago. "Apply," he said, "the First Fruits as they ought, for the increase of the poor livings, and the repairs of the Church; but a fictitious and remote valuation for the benefit of the rich clergy has been made of these charitable funds, frustrating the purpose of the charity, equally to the neglect of the Church and the poor; the luxury of the priest has usurped the funds of the poor and of the Church, and then sets up against both a miserable modus, and prescribes in this instance against charity and religion." He would not trouble the House further, trusting that he had said enough to make it agree in the resolutions which he would then submit. The right hon. Baronet concluded by moving the following Resolutions:—

"That the First Fruits or Annates, being the first year's income of every ecclesiastical dignity and benefice in Ireland, became, at the Reformation, a part of the revenue of the Crown, and were regulated by the Irish Acts of the 26th and 28th of Henry 8th, and several succeeding Statutes, and continued annexed to the Royal revenues until the year 1710. That her Majesty Queen Anne did then, as an act of grace and favour to the Established Church of Ireland, by letters patent, confirmed by Act of Parliament, vest in trustees and commissioners the produce of this branch of Royal revenue, for the purpose of building and repairing churches, for the purchases of glebes where wanting, and of impropriations whenever the benefice was not sufficient for the liberal maintenance of the clergy having cure of souls. That the Queen did, at the same time, absolutely release from the payment of the twentieth part of twelve pence in the pound, before paid annually to the Crown, out of all ecclesiastical benefices, the clergy of Ireland, although a corresponding payment annually was retained by her Majesty, and still remains payable by the clergy of England, out of their dignities and benefices. That it appears from returns laid before the House, that the gross amount of the First Fruits revenues of Ireland, thus vested in trust, and paid to the commissioners during ten years, ending in January 1821, amounted only to 3,752*l.*, whereout 827*l.* were deducted for salaries and incidents; and in ten years, ending January 1830, to 5,142*l.* 15*s.*, from which 740*l.* was deducted for salaries and incidents, leaving a nett income in the former period of 2,925*l.*, and in the latter of 4,302*l.* 4*s.* only. That during the latter period of ten years, fifteen Bishopricks, and four Archbishopricks became vacant; and in the succession thereto, liable to payment of First Fruits. That it appears from returns presented to the House, that in seven years, ending in January 1824, the Archbishopricks and Bishopricks of Ireland contributed to the First Fruits fund thereof, 910*l.* 10*s.* 11*d.* and in seven years, ending January 1830, 1,798*l.* 9*s.* 7*d.* That 467 of the dignities and benefices of Ireland, being nearly one-fourth part, have never been rated or valued for payment of First Fruits, and 366 more, although rated, do not contribute thereto, on account of the low rate at the early period of their valuation; and the whole of the Archbishopricks, Bishopricks, and other ecclesiastical dignities of Ireland, are thereby estimated as of only 4,427*l.* annual value. That the grants of Parliament to the Board of First Fruits, for gifts and loans towards building new churches and glebe houses, and purchase of glebes in Ireland, during twenty years, ending in 1822, amounted to 686,000*l.* That it appears just and necessary, that this branch of royal revenue, liberally appropriated by the Crown to wise and salutary objects, connected essentially with the well-being of the Church of Ireland (at the same time that great remission of burthens, affecting the clergy thereof, was granted by the same royal authority), should be rendered actually efficient to the attainment of the beneficent objects to which it was assigned, and that the deficiency created by this unfair and inadequate valuation, should be no longer supplied by the imposition of additional charge on the body of the people, either as a parliamentary grant, or by parochial taxation."

On the question being put,

Lord *Francis Leveson Gower* said, if he should offer nothing very luminous to the House on the subject, it would find an apology for him in his want of legal qualifications, and if he should fail to make any original observations, the House would remember the circumstance to which the right hon. Baronet adverted at the opening of his address, namely, that the subject had been twice or thrice before under discussion. In his opinion, the whole question turned upon the point, whether it were incumbent upon or lawful in the commissioners of First Fruits, to institute from time to time an inquiry into the value of the benefices of Ireland, and to take the First Fruits, not according to the original valuation, but according to the improved or reduced value, as the case might be. In his humble opinion, the affirmative of this proposition could not be legally made out. That there had been differences of opinion upon this subject between professional men he was aware, and he did not presume to decide concerning the relative qualifications of the two learned individuals who had given different opinions on the subject. Of the qualifications of one of them he was totally ignorant, but the person to whom he was opposed was no less than Lord Plunkett. There had been, and were still, persons in the House able to speak on any question, so as to render a discussion, even of a legal nature, not only clear but interesting. He had unfortunately no such qualification; but Lord Plunkett had left behind him a weapon which, however inefficiently he should wield it, would yet be sufficient to enable him to repel the attack of the right hon. Baronet. He meant to do little more than recapitulate some of the arguments made use of by him in 1824, Upon that occasion Lord Plunkett applied himself to the legal part of the question, and shewed that the English law regulating the First Fruits was passed in the 26th of Henry 8th. By what process of reasoning Mr. Shaw Mason and his legal advisers came to the conclusion they did he could not tell, but it appeared to him that they confounded the valuation of First Fruits with the valuation of benefices by another commission appointed to ascertain the value of the tenth in England which corresponded to the twentieth in Ireland. A commission, consisting of the Lord Chancellor and Master of the Rolls, had been appointed, with a view to ascertain the amount of annates or First Fruits, which formerly had been seized on by the Popes against continual remonstrances. Great complaints were made, as early as the time of Edward 1st, of the amount thus levied, more than against the principle, for although that also was adverted to, the amount was the chief subject of complaint. In the time of Henry 8th, it was stated, that the sum of 80,000*l.* was annually transferred to the treasury of the Vatican from this country. The commission then was instituted to ascertain the amount of First Fruits to be transferred to the Crown. The tenth section of the Statute appointed another form of commission, to be instituted, not by the Crown, but by the Lord Chancellor, distinct from the first, to ascertain the value of the tenths. To understand his remarks it might be necessary to refer to the Statutes, and those who did so would as readily follow and understand him, as those who did not would find it difficult. According to the opinion, then, of Lord Plunkett, which he was content to follow, the law as to Ireland was, with a very trifling variation, precisely the same as that of England, being comprised in the two Irish Statutes of the 28th Henry 8th; passed therefore, two years only subsequent to the passing of the English Statute. By that Statute the benefices were then valued and on these grounds he contended that the House was not entitled to affirm by its resolutions that there ought to be a new valuation, as had been often asserted by the right hon. Baronet. That new valuation was not sanctioned either by the Statute-law of the country, or the long practice of Ireland. In the opinion of the legal advisers of the Crown, no existing law authorised it. In his mind the proposition of the right hon. Baronet amounted neither to more nor less than to a question of taxing the Irish Clergy for the support of the Irish Church. Into that question the right hon. Baronet would excuse him if he did not enter, for he could not think of drawing the House by bye-paths and indirect courses into all the discussion to which entertaining such a proposition must inevitably lead. A subject of so great importance could not, with justice either to the Church Establishment or the public service, be discussed otherwise than separately, and it would certainly be neither expedient nor proper to decide on taxing the Irish clergy by means of the resolutions of the right hon. Baronet. If the House were to accede to these resolutions, it would admit in substance, that the Church of Ireland was established for the benefit of the clergy, and not for that of the country. To that he could never consent, and he hoped that the House would never make such an admission. He was well aware of those events in the history of Ireland which had prevented or impeded the extension of those benefits which the Church of England, by the purity of its doctrines, and the exemplary lives of its professors, was peculiarly calculated to confer, and had conferred on all who had the good fortune to live within its communion; but the Church of Ireland, burthened with the crimes, errors, and follies of preceding generations, might be considered as yet in a state of probation. Upon these grounds he was bound to withhold his assent from the Resolutions of the right hon. Baronet, but containing, as they did, many matters of indisputable fact, he must, with all due respect to him, take the liberty of moving the previous Question.

Mr. *Spring Rice* observed, that this was not the first time this question had been discussed in Parliament, and that he had had the honour and the satisfaction of supporting the propositions of his right hon. friend, when opposed upon grounds somewhat similar to those taken on the present occasion. His noble friend who had just sat down had, however, very considerably narrowed those grounds; but although he thought he could refute those grounds, it was by no means upon them alone that he rested his advocacy of the present Motion. He begged to call the attention of the House to the magnitude of the interests involved in this question, and to remind it that, although upon former occasions, the Motion was resisted by the weight of Government influence, and by the legal authorities referred to by the noble Lord, still it was considered by the House, after a full discussion on two separate occasions, that so good a case had been made out by his right hon. friend, that it was only rejected by a majority, in the first instance of seventeen, and in the second of twelve. Considering these facts, hon. Gentlemen might imagine, therefore, that the case was not altogether of that extreme clearness and simplicity represented by the speech of the noble Lord, but that more might be said upon the subject worthy of full consideration. The same line of argument now used with respect to the question of the Board of First Fruits in Ireland, he had known applied to other questions, which after long discussion had been decided upon principles directly the reverse. When he first had the honour of a seat in the House, about twelve years ago, the votes annually contained charges of 50,000*l.*, and 10,000*l.* to the Board of First Fruits in Ireland, and annually did his right hon. friend contend against their being granted. Year after year he failed in his opposition, but was at last triumphant, for although the task was painful, he had almost said hopeless, to excite considerable attention in the House to matters of that kind, yet at last the magnitude of the sum, in its accumulated form, forced itself into notice, and his right hon. friend, obtaining the support of the House, the Government were induced to relinquish the sums it had so long and so strenuously demanded. It might be said, perhaps, that these grants had nothing to do with the present question; but he maintained that they had, because the only plea on which they were supported was, the inadequacy of the funds in Ireland to maintain this particular branch of the Irish Church; and because, if the income of the Board of First Fruits had been made really available for the purposes for which it was intended, there would have been no necessity for coming to Parliament at all. Applying himself to the legal part of the subject; he would take that opportunity of saying, that although his noble friend professed his incompetency to deal with a legal argument, he brought forward a statement clearly and distinctly, and free from the technicalities in which he might have involved it. In support of his noble friend's opinion, he must admit that there was the authority of the Crown lawyers, to whose judgment the question was submitted; but taking that *valeat quantum*, it was by no means decisive of the question. If the authority were that of a court of law, to which this matter had been referred, he should bow to its decision; but if his noble friend had been armed with such a decision, the question would have been still open to parliamentary deliberation, and it would still have been competent to Parliament to say, how the Church Property of Ireland should be made available for the benefit of the establishment, and the furtherance of the Reformation in that country. He wished to state, under the correction of the gentlemen of the Irish Bar, then present, that Mr. Allen, whose opinion had been alluded to, was a man of great learning in his profession; of great research; in fact, a black letter man as well as a lawyer of considerable reputation. How then did the question stand,—Mr. Shaw Mason evinced a disposition to try the question at law—how was he met when he avowed that intention? Not by allowing him to proceed to a legal investigation, but by threatening him to proceed at his peril; if you proceed one step further, was the reply, remember you are an officer holding a patent from the Crown during pleasure, and you shall have it revoked. These were plain facts, and what was the inference arising from them? Why, that the Crown had no legal case; else why refuse to proceed before the proper tribunal for adjudicating such matters? And why threaten with the loss of his place, the man who would have so proceeded? But it was said, the Government offered to show the opinion of the law officers of the Crown, in favour of the view it took of the case. He did not mean to pronounce upon the merits of such opinions, except merely to say, that if the offer of these opinions was connected with a threat to prevent their being examined before the proper tribunals, then he must doubt the goodness of these opinions; and though he would not censure the conduct of Government, he would not adopt its conclusions. If Ministers were quite positive in their law, why should they throw any impediments in the way of legal inquiry? "All we want," they said, "was to protect the Archbishops and Bishops from persecution." But suppose that all the sees of the episcopacy in Ireland were vacant, would the Government object to Mr. Shaw Mason's going into a court of law to settle their valuation? Would it let the question go there upon the next vacancy unfettered and unthreatened? Here was a safe and sincere test, and if Government answered in the affirmative, he was persuaded that his right hon. friend, who moved these Resolutions, would immediately withdraw them, so as to admit of the subject receiving that decision and determination in a court of law, capable of investigating it, which it ought to obtain;—but if, on the contrary, the Government refused that offer, then, with all due respect for its motives, he must say again, that he doubted its sincerity, and the validity of the law-officers' opinions, and he would call upon the House, as he had done more than once before, to support the Motion of his right hon. friend. He begged the House to look at what the question really was. Did the Motion demand any thing unreasonable—were its supporters spoliators of the Church—did they mean even to touch the ecclesiastical revenues for any thing but for the Church itself? Nay, was it wished even to apply any principle to the Church of Ireland which was not already applied to the Church of England? Suppose that in Ireland, where the smaller portion of the community is of the Established Church, a great portion of the burthen of maintaining that Church were thrown on the laity, and supposing that out of the income of the Bishop's sees, a large portion was appropriated to building glebe-houses, and to endow the smaller livings; should not we say, this was only reasonable? And if in England, where the great bulk of the people are Protestants, a large portion of the ecclesiastical incomes was left to the Archbishops and Bishops, and a small portion taken from them for ecclesiastical purposes, should we not say this was reasonable. But how different must be our language when we knew the reverse of all this to be the case, and that exactly in proportion as the followers of the Church were few, so were its burthens cast on the great bulk of the people who did not profess its doctrines; and exactly in the same proportion, was the whole of the revenues of the Church set apart for the exclusive use of the episcopacy? This was actually the case as to Church property in Ireland and England. In the latter, the revenue of the Church contributed to the repairs of the Church in Ireland*:* they all went into the pockets of the clergy. Let the House look, for example, to the diocese of Derry, generally estimated at 11,000*l.* or 12,000*l.* a year; and that of Rochester, the revenue of which did not exceed 800*l.* a year, or at most 1,000*l.* It ought surely to be expected, that for ecclesiastical purposes, ten times as much should be supplied by the former as by the latter; and it appeared only just, that the greater burthen should be thrown on the richer see of Derry, where there was only a comparatively small Protestant population, than on the poorer one of Rochester, the inhabitants of which were almost exclusively Protestants. What, however, was the fact? Why, the Bishoprick of 10,000*l.* a year paid 250*l.*, while that of Rochester paid 320*l.* Was that reasonable? was it legal? and if it were, ought the law to continue unaltered? Was the Parliament interdicted from inquiring into such a state of things? Certainly not, unless there were vested rights to contend with, or protected and recognized interests, which, whatever opinions upon the propriety of their existence might be entertained, were still within the scope of the law. In discussing this question, the Chancellor of the Exchequer would, he hoped, bear in mind, that those who were in favour of the Motion were acting upon a favourite doctrine of his, of which he would hear something more in the course of the Session—the doctrine of assimilation, which, if good as to Stamp-duties, must be good as to Ecclesiastical revenues. Was it to be only good when recommending a tax, and not good when reducing a burthen*?* It was not proposed by his right hon. friend's Resolutions to introduce into Ireland any one principle which was not fully acted upon already in England. He knew that there was a difference of the law as to parts of the subject; but he sought the application of the English practices only to those parts as to which the law was the same. He wished nothing more than that all Archbishops and Bishops should act on some clear and systematic principle, in valuing their income, so that the burthens should fall equally on all. Let the House look at what would be the probable effect of the proposed alteration. He had observed, that the Motion proceeded strictly upon the analogy of the practice in England, and he would beg leave to add, that if there ever was an application to which Parliament ought to lend a ready ear, this was one, for it involved deeply the best interests of the Church itself. In the first place, it must be admitted on both sides of the House, that every measure which could unite in the bonds of harmony and affection, and bring together into one great feeling of concord, the whole bulk of the Protestant community, ought to be forwarded, for many reasons, but for none more than its tendency to assure the safety of the Church. He would ask the Irish Members, what was the complaint from one end of Ireland to the other? Was it not the disproportion of the numbers of the followers of the Established Church, compared to the amount of the ecclesiastical revenues, and their non-application to the purposes for which they were intended? When he alluded, however, to the revenues of the Church, he did not want to denude its chief members of their incomes, nor to strip them of their wealth; he was of opinion that they ought to be highly endowed for the performance of their great and solemn duties; but he was also of opinion that the opulent churchmen ought to contribute more than at present in Ireland, towards the support of the poorer clergy, and not pile up for themselves and their families incomes which excited jealousy and promoted distrust, which were perhaps often exaggerated, but were liable to call forth uncandid vituperation. Much calumny and much hatred would be averted, were a larger portion than at present of the princely revenues of some sees devoted to purposes in which the whole Protestant community had a deep interest. A measure, then, having this for its object, ought to have the full support of every good Protestant. It could not be said, that the burthens of the Irish Church were not often complained of in Ireland, and sometimes with discouraging irritation and violence? Here, then, was a position which no man could controvert; if the Legislature diminished these causes of irritation it checked the growth of discontent, and made the wealth of the Established Church, instead of being the source of jealousy, the means of relief to those who had before complained of its unequal distribution; and precisely in that degree would it make the Church the strength, instead of the weakness, of the

Protestant religion. It was however said, that the proposals of the hon. Baronet amounted to a taxation of the Established Church of Ireland. He denied the correctness of that opinion; it was not a tax upon the property of the Church, for the purposes of the State, or for any secular purpose whatever, it was rather a reversionary payment for the uses of the Church itself, in conformity with the Ecclesiastical Laws, and to give her that grace and dignity which would enable her institutions to command our reason, while her splendid ceremonial attracted and affected our senses. He did not think that the Archbishops and Bishops of Ireland would be looked on with less reverence if the Churches were built and kept in a state fit for worship, or as in olden times they were, out of the wealth of the Church itself, rather than by taxes wrung from the people. But even if it were a tax (which, in his opinion it was not), his noble friend, the Secretary for Ireland need not have expressed so much surprise at it, for it was one the principle of which had been sanctioned and repeatedly recommended, not by philosophers, who, it might be supposed, were not over-anxious to uphold the interests of the Church, but by practical members of the Government, and some of the highest dignitaries of the Church of Ireland itself. He would quote for his noble friend an authority upon this point, which he would not contravene. The present Lord Maryborough, when Secretary of State for Ireland, actually recommended the imposition of a tax of 2½ per cent upon ecclesiastical benefices in Ireland, for the education of the poor of that country. If the Motion involved, therefore, the imposition of a tax upon the Church of Ireland—which it did not, he could justify it by the example of a predecessor in office to his noble friend, by the authority of the then Lord Primate, Stewart, and of three or four of the most eminent prelates who ever graced the Irish Church. He had authorities, lay and ecclesiastical, for the principle which his noble friend impugned, but he must repeat, that he had not the least desire to divert one farthing of ecclesiastical property from ecclesiastical purposes; and if he had said any thing which had a tendency to lead to a contrary inference, he could not too soon, and too strongly, give that a direct negative. He looked at the property of the Church of Ireland as being intended for the benefit of the community of that Church, and he wished to see it fairly and fully preserved, and appropriated to that purpose. During the last ten years, he admitted that the clerical appointments in Ireland, had been, with scarcely a single exception, worthy of the duties which they involved. He wished to see that Church supported upon a sure and exalted basis; and not a word had ever fallen from him respecting it for which he had not the authority of some of the great men who had dignified it in the eyes of the community by their labours. He had not laid down one principle which had not received the sanction and the support of the writings of Bishop Bedell and of his contemporaries, who evinced by their example a desire to contribute to the alleviation of the ecclesiastical burthens, by sacrificing the incomes of their own sees. The great men of the Church in those days, did not oppose the doctrines of self-taxation for the uses of the Church, which was now condemned by laymen, even before it was brought forward. Bishop Bedell said, "It is necessary to diminish pluralities, as far as can be done, in the Irish Church. I find myself, however, reproving pluralities in others, while I continue to be a pluralist myself. I object to a clergyman who holds two benefices, but do I not at the same time possess a second Bishroprick myself?" What then did Bishop Bedell do? he came forward with honour and consistency, and sacificed his second bishoprick, because, as he said, "the retention of it would have been inconsistent with my principles, and impolitic also as regarded the character of the Church." In conclusion, the hon. Member called on the House to consider, that the Resolutions only went to apply to Ireland a principle adopted in England, which had been recommended by the highest dignitaries of the Church of Ireland, merely to give what the law intended should be given to ecclesiastical purposes, and to make the appropriation of Church property congenial to the feelings and interests of the community, for whose benefit it was instituted.

The *Chancellor of the Exchequer* said, as he had before had occasion to argue a question, if not precisely of this kind, at least of the same tenour and import, he should not trouble the House with many observations upon this Motion. He was likewise relieved from the trouble of answering many of the statements made that night, not for the first time, by the clear and lucid, as well as able exposition of the law, given by his noble friend, in reply to the speech of the right hon. Baronet. He would, with his noble friend, deny that it was ever intended, by the Acts of Henry 8th, to take one whole year's income of every see, and every living, as the first fruits for the Crown, in the manner contended for by the hon. Baronet, in support of his Motion. He agreed with his hon. friend, the member for Limerick, that we were bound to look with favour upon any measure calculated to conciliate the general feelings of the population of Ireland with the Established Church, and soothe down the animosities which had sometimes sprung up amongst them. In cultivating these feelings, however, we must take care not to sacrifice the means which that Church possessed of being useful to Ireland. We must not, by impolitic abridgments, affect its wholesome power, and impair its real dignity, so as to circumscribe its sphere, for the performance of its useful and essential duties. The hon. member for Limerick had argued this question with great dexterity. He said, that by acquiescing in this Motion for imposing a payment upon all the ecclesiastical benefices, of one year's rental, the House would render the First Fruits sufficiently available for the building of necessary Churches, save the people from fresh burthens on that account, and at the same time conciliate the public opinion, and make the Church more popularly useful. Now, although this was convenient enough as an argument in the House of Commons, it had really no bearing upon the subject. The sums were already lent for the building of the Churches that were required. They were actually laid out by the commissioners, and the people would have to pay the requisite annual instalments, whether the proposed new valuation were carried into execution or not. The question was simply this, shall we go on availing ourselves, from time to time, of funds as they arise, from the First Fruits, making such additions as are necessary to give them efficacy, or shall we have continual re-valuations, by a particular rule for Ireland, which, he contended, did not prevail in England? He had to complain of the manner in which the case had been stated in respect to the valuation of the English and Irish benefices. The right hon. Baronet knew well, that in one country, many of the lands were not valued, and he knew also very well why they were not at the time of the original registration; while in the other, the commissioners received the full power of valuing the whole, and did value them. When he compared therefore, one with the other, he must take in all the circumstances which occurred at the time, or else the statement would be partial and inadequate. He had before resisted such a motion upon these grounds; and because in one country the charges on occupation already pressed heavily, he was very unwilling to impose any additional charges. The right hon. Baronet drew a distinction between the sums paid in England and in Ireland, and alluded particularly to the dioceses of Rochester and of Derry. If he would take the trouble to compare the actual value of the dioceses in England and Ireland, however, he would not find the difference to be so great as he supposed. His hon. friend stated, as an encouragement, he supposed, to those who might be inclined to support the present Motion, that it was owing to the exertions of the right hon. Baronet that Government had been prevented from making grants to the Irish Church for some time past. Certainly nothing was further from his intention than to attempt to undervalue the exertions of the right hon. Baronet, which had been highly conducive to the interests of his country, though he had sometimes thought it his duty to differ from him. He could not, at the same time, give to his exertions the credit of having led to the abandonment of the grants for the building of Churches in Ireland. There was a very natural reason for the cessation of those grants, which was more influential than the right hon. Baronet's arguments. They began in 1808, upon the faith of representations which were fully justified by the facts; namely, that there was a great want of buildings for religious worship in that country, as well as for the residence of the clergy. The grants to procure these buildings were continued until the want that had been complained of was in a great measure removed. When the object was partly accomplished, the grants were reduced, and when it was fully obtained they were gradually abandoned. The first grant was for 100,000*l.*; then it was reduced to 50,000*l.*; subsequently, to 10,000*l.*; and then it was withdrawn altogether. Having been connected with the government of Ireland at the period alluded to, he was able to affirm, that it was not the dread of opposition which induced the Government to abandon those grants, but because the public interest did not require the continuance of them. He objected both to the principle of the Resolutions, and also to the mode in which the right hon. Baronet had brought them forward. No good end could be accomplished by moving these Resolutions, and letting them lie on the Table of the House, and the right hon. Bart. would have better marked out the course he proposed to pursue if he had brought a legislative measure before the House, complete in its details, and pointing out the particular objects he had in view, the amount of the payments required from the clergy, and the purposes to which those payments were to be applied. Though he could not concur with the right hon. Baronet, he must say that he should have recommended him to bring forward a bill to remedy the defects of the present law, rather than to move a series of resolutions which would not cure the evils of which he complained. He would not detain the House with further arguments on this subject. His hon. friend who had just sat down, concluded his speech with some observations which had his entire concurrence. He was glad to hear his hon. friend express such feelings, and to hear him declare that he had no desire to reduce the dignity and authority of the Established Church in Ireland. He sincerely concurred in the eulogium which his hon. friend had passed on the conduct and character of the Irish clergy. If he did not express his admiration of the higher orders of the Irish clergy, it was because he was so intimately connected with the Government of Ireland, when many of those pious and excellent men were raised to the Bench; that if he bore his testimony to their merits, he might be considered as passing an eulogium on himself; for certainly the appointment of such men would reflect credit on any Government. His hon. friend had referred to Bedell, and to other dignitaries of the Irish Church in former times, in terms of great praise, but he could assure the House, that there were some men now on the Bench in Ireland, who maintained in their lives, and by their acts, that high and pious character which his hon. friend truly stated had formerly belonged to the prelates of the Irish Church. His hon. friend had alluded to the case of Bishop Bedell, who gave up a second church preferment. The present times could, he was happy to say, supply a similar case. The first act of one of the Irish Bishops, on his promotion to his present see, was to divest himself, by an Act of Parliament, procured for this purpose, of a part of his see which would have been to him a source of considerable emolument, in order to constitute a separate benefice, so that a large and populous place might have a resident clergyman, who would perform those duties which this exemplary Prelate conscientiously felt he could not discharge himself. The person to whom he referred was Dr. Brinkley, the present Bishop of Cloyne. Many other members of the Bench of Bishops in Ireland, would, he was sure, act precisely in the same way, and set a similar example, if they had the opportunity, and he only mentioned the fact to shew that there was no merit belonging to the higher orders of the clergy of the Irish Church in former times which could not find a parallel in the present times. He would not trouble the House any further. He was not willing to take the mode recommended by the present Resolutions, or to choose the present time for imposing a greater burthen on the clergy of the Established Church in Ireland. The effect of the present Motion would be, to divest the clergy in Ireland of a full year's income. He objected to it on principle, and he objected to the form in which it came before the House, and he cordially concurred in his noble friend's Motion for the previous Question.

Sir J. Newport replied.

The House divided—for the Motion 69; Against it 94—Majority against it 25.

List of the Minority.

Baring, F.
Bentinck, Lord Geo.
Benett, John
Blandford, Marq. of
Brougham, Henry
Brownlow, C.
Carew, R.
Cave, Otway
Clarke, Hon. Butler
Clements, Lord
Clive, E. B.
Colborne, R.
Davenport, E.
Dawson, Alex.
Denison, Wm. Joseph
Davies, Colonel
Du Cane, P.
Euston, Lord
Fergusson, Sir R.
French, A.
Fazakerly, J. N.
Gordon, Robert
Graham, Sir James
Grattan, James
Guise, Sir Wm.
Harvey, D. W.
Hume, Joseph
Heron, Sir Robert
Hobhouse, J. C.
Ingilby, Sir W.

Jephson, C. D. O.
Lamb, Hon. G.
Langston, J. H.
Monck, J. B.
Martin, John
Marjoribanks, S.
Milton, Lord
Newport, Sir John
Pendarvis, E.
Price, Sir R.
Pallmer, C.
Power, R.
Phillimore, Dr.
Philips, G.
Ponsonby, Hon. W.
Ponsonby, Hon. F.
Protheroe, Edw.
Rickford, W.
Russell, Lord W.
Russell, Lord John
Rumbold, C. E.
Robinson, Sir Geo.
Sefton, Lord
Sykes, D.
Thomson, P.
Townsend, Lord C.
Talbot, R. W.
Taylor, M. A.
Tomes, J.
Warburton, Henry
Westenra, Hon. R.
Wilson, Sir R.
White, Henry
White, S.
Wrottesley, Sir J.
Wyvill, M.
Wood, John
Whitbread, W. H.
Whitbread, W. R.
Whitmore, W. W.

PAIRED OFF

Ebrington, Lord

TELLERS.

Althorp, Lord
Rice, Spring

COURT OF CHANCERY.] Mr. *Brougham* asked, if it was the intention of the Attorney General to give the House an opportunity of discussing the subject relating to the Court of Chancery? For one year it had been put off in hopes of the Lord Chancellor's bill. This bill came down and was then withdrawn. He made this inquiry because, if there was not some reasonable prospect of this measure reaching the House, it would be necessary for some hon. Member at his side of the House to bring forward a motion, with a view to discuss the question.

Mr. *M. A. Taylor* stated, that he had not brought forward his motion, in the hope that the measure would be brought forward by the Attorney General. He concurred in the expectation of his hon. and learned friend, that this great and important question would be brought under the consideration of the House.

Sir Robert *Peel* said, he expected the bill would come down to-morrow or Thursday. He had been in the country for some days and was not precisely aware of what progress had been made in preparing the Bill. He believed, however, that it would be brought down on Thursday, and if it were not, any hon. Member might originate a motion upon the subject.

FRAUDS IN CANAL SUBSCRIPTIONS.] Mr. *Dugdale* said, he rose to move the Order of the Day for the taking the report of the committee on the Birmingham and London Junction Canal Company into consideration. The document contained a statement of facts which demanded the attention of the House; and, after the report was received, it was his intention to propose such an alteration in the Standing Orders as would prevent the recurrence of such objectionable practices. The House would recollect that in the commencement of the Session, a petition was presented which contained a list of the subscribers, and disclosed the object of the proposed undertaking. It was then represented that the estimate of the cost of the work was 453,000*l.*, and that 394,000*l.* of that sum was subscribed by 232 persons; and it has since appeared in evidence, that various names were set down as applicants for shares, not with a view of paying for the shares demanded, but for the purpose of obtaining the expected premium in the market. It was also shown that a great number of the subscriptions were the names of needy and indigent persons of inferior station of life, who were quite unable to pay the sum affixed to their names; and it was further proved, that many names were set down without the privity and consent of those to whom they belonged, and that likewise fictitious names were set down. It was proved that the plan was laid down by Mr. Telford, the engineer, who gave it as his opinion that an undertaking of the nature contemplated might be accomplished. A prospectus was then issued, and two persons, whose names were Moses Levi and John Edward Stokes, combined to set the Company into motion, and to perpetrate a gross fraud on the House and on the country. Levi, who is since dead, appears to have been the first mover of the scheme; and he induced Stokes, who was not affluent, to join in the transaction. Stokes had been called before the committee, and from him information had been obtained as to the mode of forming the Company. He said that Moses Levi came to him, and told him that he had a very fine company coming forward, and an agreement in writing was entered into, by which Stokes was to manage the company on the Stock Exchange, where his business lay, and they were to divide the profits equally after paying the necessary expenses. He was instructed to urge people to write for shares, and he admitted that he had induced 200 persons to do so who were men of no fortune, and were called "premium-hunters," and Stokes declared that he did not believe that these men possessed the value of one share a-piece. The solicitor to the concern was Mr. Eyre Lee; but he (Mr. D.) was bound to say, that so far as he and the committee were able to judge, that gentleman, who was a respectable man, did not seem to be aware of the nature of the undertaking he was embarked in, and it was presumed that he had been imposed upon by other designing people. He had been the agent to deposit the fictitious subscription-list already adverted to, and in doing so he was very culpable. The Standing Orders of the House had been evaded, or rather they were in form complied with, inasmuch as a list of the subscriptions was lodged in the Private Bill-office. To remedy the defect which permitted so unsatisfactory a document to pass through the House was one of the objects of the Resolution with which he meant to follow up the report. It appeared on all sides that Levi was the great planner of the scheme, and that Stokes and his assistants were his agents. Having said thus much to satisfy the House of the necessity of some protection being established in future, he would move, after the report was brought up, that the Christian and surname, the calling and residence of every subscriber be in future deposited in the Private Bill-office; and that no bill should in future be introduced unless one-half of the estimated sum was subscribed for by persons who would consent to bind themselves by contract to pay the sums respectively subscribed.

Mr. *Benson* approved of the resolutions so far as they went, but in his opinion they did not go far enough, and he could not help expressing his surprise that some more decided course had not been taken to meet a case of such vital importance. There could not be a doubt but that a fraud had been contemplated to a great extent on the 19th of February, when the list was lodged. In the committee, Mr. Eyre Lee, the solicitor, was called on to produce a list, which he did, and which he gave in. There were two members of the committee who cautioned him against persevering in the attestation of the list, because they were aware that it was a fabricated and fallacious list. They were also aware that the declared consent of several persons was fallacious, and letters were read to that effect; and he (Mr. Benson) knew from one nobleman that his name had been made use of as assenting to the bill without his sanction, and his tenants had been induced to assent by the use made of his name, under the idea that their landlord had assented. The committee after a painful investigation, found that the Standing Orders had not been complied with, which, with all the other circumstances attending the case, induced him to conclude that there had been a gross violation of the privileges of the House. He begged leave therefore to ask the Speaker, whether he was right in considering the question as one of privilege, and whether further time should not be given before it was brought forward in that shape?

The *Speaker* said, as he had been referred to by the hon. member for Stafford, to determine whether the present was a question of privilege or not, he could only say that the subject was before the House, and it was for the House to determine, whether any party was censurable or not, and to what extent that censure ought to go, and whether more time was necessary before the House came to so strong a decision.

Mr. *Benson* said, in order to put the question in a tangible shape, he would move that Mr. Thomas Eyre Lee, Solicitor to the London and Birmingham Junction Canal Company, be called before the House, for the purpose of being reprimanded.

The *Speaker* said, he hoped the hon. Member would allow him to suggest to him that such a motion ought to be made, independently of the resolutions which were proposed by the hon. member for Warwickshire. It should not be made as an adjunct to those resolutions, but the hon. Member was not precluded from making a distinct motion.

Mr. *Hume* said, he had paid attention to the case; but of course he could not know as much as the members of the committee, and he recommended that some time should be given for inquiry, and to allow Members to make up their minds on so important a proceeding.

Colonel *Peel* said, the motion of the hon. member for Warwickshire should be taken by itself. It was distinct from that of the hon. member for Stafford, which contemplated the redress of a gross violation of the privileges of the House.

Mr. *Hume* moved, that the report and the resolution be received and printed, and that the further consideration of them be adjourned to Thursday; and he recommended that the existing Standing Order or by-law should be printed with them, in order to show Members the difference between the evil and the remedy.

Mr. *Benson* was not inclined to assent to the postponement of his resolution.

Sir *R. Peel* begged the hon. Gentleman to understand that his motion was perfectly distinct from the resolution; and that he was at liberty to press it or adjourn it as he pleased.

Mr. *W. Wynn* deprecated the idea of deciding so strong a point without notice having been given, and he recommended the hon. Member to give notice, and withdraw his motion for the present.

Mr. *Benson* then proposed to adjourn his motion till Thursday next.

Mr. *Wynn* suggested that the best way would be, to move that the report be taken into consideration on that day.

After some further conversation, it was agreed that the whole question should be postponed till Thursday.

FOREST OF DEAN.] Lord *Lowther* rose to move for leave to bring in a Bill to ascertain the boundaries of the forest of Dean, which he said might be made a very valuable property. It contained 23,000 acres of land well calculated to grow forest timber. It contained also coal, lime, and iron stone, in abundance; but these were of little value to the Crown, because the inhabitants of the surrounding districts claimed a right to dig for them, and carried that right so extensively into practice, that the revenue derived by the Crown from this large tract did not exceed 800*l.* per year. Disputes, too, continually arose, respecting the privileges of these free miners as they called themselves, and it was therefore proper that the rights of the Crown and of these people should be settled. He proposed to accomplish that by bringing in a bill to appoint commissioners to inquire into the rights and tenures of all persons claiming privileges or property there, and whose reports, when laid before Parliament, might enable it to settle the whole matter by legislation. He was desirous of making this property available to the Crown, and therefore had felt himself obliged to bring the subject before Parliament.

Mr. *D. W. Harvey* did not mean to oppose the motion, but he would suggest that an ordinary commission of perambulation, such as had lately gone the bounds of the Crown property in Greenwich, would be sufficient. That commission made a report, and put some properties in jeopardy, but he had not yet heard that any claim had been made on the part of the Crown.

Mr. *Wynn* thought that the bill was a private bill and required notice to be given to all the parties interested.

Mr. *Brougham* inquired how many places would be created by the bill, and who was to have the patronage?

The *Attorney General* could not answer till the bill came into Parliament, but he would be happy to accept the services of his hon. and learned friend, and of the hon. member for Cricklade, as commissioners. It was, however, a work which ought to be well done, and he could not therefore suppose that it ought to be done for nothing.

Leave given, and Bill brought in.

KING'S MESSAGE—ADMINISTRATION OF JUSTICE.] On the Motion of the *Chancellor of the Exchequer*, the Order of the Day was read for the House to resolve itself into a Committee to take into consideration the King's Message relative to the Administration of Justice.

On the Motion, "That the Speaker do leave the Chair,"

Mr. *O'Connell* objected to proceeding with such important business at that late hour.

Mr. *Brougham* deprecated delay. The House had been accustomed to sit much later.

Sir *Robert Peel* said, that his Majesty's Message had been sent down to Parliament three weeks, and had not yet been taken into consideration. The proceeding then would be altogether preliminary. He must object to the practice of only devoting four hours every day to public business, as tending to create much mischief.

Mr. *D. W. Harvey* complained that the House was proceeding with the measures to improve the Administration of Justice, and so many projects for this purpose were on foot, that he thought it was necessary first of all to take a general view of the subject. There was one part of the suggestion of the right hon. Secretary which he considered as very important, and might, perhaps, be unnecessary, if the Local Courts suggested by the hon.

member for Winchelsea were to be established—he alluded to the increase in the number of judges. At present they did not know whether those Local Courts were to be dependent on Westminster Hall, or were to be each a fountain of justice in itself.

Mr. *Brougham* said, that a part, and an essential part of his plan was, that Westminster Hall should remain the chief source of justice, and should control and revise the proceedings of the Local Courts.

A conversation of some length then ensued respecting the propriety of postponing the discussion on this Bill, until it could be brought forward at some hour when there was a probability of an account of the proceedings being made public.

Mr. O'Connell declared that he would decidedly oppose further proceedings.

Mr. *Benett* complained of the conduct of the hon. member for Dorsetshire (Mr. Portman), in forcing on the third reading of his bill for the Watching and Lighting of Parishes, last night. He, as well as many others, had gone home under the assurance from the hon. member for Dorsetshire that there was not the slightest chance of the bill being discussed, and he certainly thought he had good ground of complaint. Having said so much, he was not disposed to resist the present motion, at which every one was present, or ought to be present, who had any interest in the question.

The *Attorney General*, having then stated that the business of the evening was merely formal, and that by agreeing to the clauses the House did not pledge itself to anything, but merely put the Bill into a fit state for future discussion—

Mr. *O'Connell* withdrew his opposition, and the House went into a committee, Sir Alexander Grant in the chair.

The *Chancellor of the Exchequer* moved a Resolution, to the effect that his Majesty be enabled to grant a sum not exceeding 5,000*l.* a year, as a salary for each of the three additional judges to be appointed.

Mr. *Hume* complained of the largeness of this salary in the present distressed state of the country, and expressed his regret that he had once been induced to grant so large a sum as 5,500*l.* a year, as a salary to the judges at present in office. He should move, as an amendment, that the sum be fixed at 4,000*l.*

It being suggested by an hon. Member that the amendment would be better introduced in a subsequent stage of the Bill,

Mr. *O'Connell* said, it was extremely desirable that the retiring salary of the judges should more closely approach the full allowance, in order that there might be less apology for judges retaining their offices after they became unable to fill them with effect.

Mr. *Hume* then postponed his opposition until the recommitment of the Bill, when he hoped to have the opinions of a larger number of the Members of the House.

The Resolution granting the sum of 5,000*l.*; and a further Resolution, granting the usual Superannuation Allowance, were agreed to.

HOUSE OF LORDS,
Wednesday, May 19.

MINUTES.] Lord Viscount LORTON presented a Petition from the Inhabitants of St. Mary, Newtown Barry, against Grand Jury Presentments.

HOUSE OF COMMONS,
Wednesday, May 19.

MINUTES.] De Lacy Evans, Esq. was sworn, and took his Seat as Member for Rye. Mr. Alderman THOMPSON brought in a Bill to declare in what cases Charitable Institutions shall be liable to pay Local Rates.

Petitions presented. In favour of Poor-Laws in Ireland, by Mr. BROWNLOW, from the Labouring Classes of Dublin, who stated that there were in that City 17,000 men anxious, but unable, to support themselves by their labour. Against the Punishment of Death for Forgery, by Sir T. ACLAND, from Chudleigh and Teignmouth:—By Lord MILTON, from Leeds:—By Mr. DALY, from the Managers of the Provincial Bank of Ireland at Galway:—By Mr. KNOX, from the Managers of the Provincial Bank at Coleraine:—By Mr. BROWNLOW, from the Managers of the Provincial Bank at Armagh:—By Mr. TRANT, from the Managers of the Provincial Bank at Ballina Mayo, also stating that the Bill for amending the Criminal Law did not go far enough. Against the Sale of Beer Bill, by Mr. ASHURST, from the Inhabitants of Henley-upon-Thames. Against abolishing the separate Jurisdiction of the County Palatine of Chester, by Mr. EGERTON, from the Inhabitants of Congledon. Against the renewal of the East India Company's Charter, by Sir T. ACLAND, from the Inhabitants of Ermington. For a repeal of the Excise Duty on Candles, by Sir G. CLERK, from the Candle Manufacturers of Edinburgh. Against the proposed assimilation of Stamp Duties, by Mr. CAREW, from the Inhabitants of New Ross. Praying for a Repeal of the Stamp Duties on Newspapers and Advertisements, by Mr. J. SMITH, from the Members of the City of London Literary and Scientific Institutions. Against the proposed Duty on Corn Spirits, by Mr. RUMBOLD, from Growers of Barley in the Neighbourhood of Great Yarmouth. Praying to be relieved from the Duty of Discharging Insolvent Debtors at Quarter Sessions, by Mr. C. WYNN, from Wm. Owen, Chairman of the Sessions of the County of Montgomery.

IRISH CONSTABULARY FORCE.] Mr. *O'Connell*, in pursuance of the notice he had given, moved for a Return of the number of Persons who had lost their lives in affrays with the Constabulary force of Ireland or otherwise, since the formation of that body; the times and places at which such affrays happened, and whether the constables on those occasions had any, and what warrants to execute; and also a Return of the number of Policemen tried for Cutting and Maiming, or Killing Persons; the time and place of the trial, and the result in each case. He stated that the object of his Motion was to bring before the House the question of the policy of having a Constabulary Force armed with deadly weapons. In his opinion it was a matter of great importance.

Mr. *Doherty* said, that there was no objection on the part of the Government to give the hon. and learned Gentleman the Returns which would effect the object he had in view; and when the question came before the House he should be prepared to give his opinion upon it. It seemed to him that there were some objections to the terms of the Motion, which, as now framed, would not bring the intended question fairly before the House. He therefore proposed that the Returns should be of the persons who had lost their lives, or were wounded, in affrays with the Police since its establishment, distinguishing what inquests had been held, and what were the verdicts on those inquests—what bills of indictment had been framed, and how they had been disposed of; and also a Return of the Constables killed in such affrays within the same period. Such a Return would fairly raise the question. He begged to be permitted to express his deep regret, and that of the Government, for the fatal occurrences which had taken place, and their anxious wish to prevent their recurrence.

Mr. *O'Connell* said, that the Returns of men killed in affrays alone would not be sufficient, for several had been shot in endeavouring to escape; and in order to meet those cases he had put in the word "otherwise." For the same reason, it was important to know the nature of the warrants that were to have been executed. As he found the Government were disposed to meet the question fairly, he would, with the permission of the House, withdraw his Motion now, and bring it forward again to-morrow, amended by the suggestions of the hon. and learned Gentleman opposite. He should at the same time present some petitions on the subject.

JUDGES OF WALES.] On the Motion of the Chanceller of the Exchequer, the House went into a Committee of Supply.

The *Chancellor of the Exchequer* moved a Resolution for compensating the Judges of Wales and of the County Palatine of Chester out of the Consolidated Fund.

Sir *C. Wetherell* said, the Resolution was prejudging the question. Perhaps the bill for abolishing the Local Jurisdictions might not pass.

The *Chancellor of the Exchequer* did not intend by the Resolution to prejudice the question at all. He only wanted, according to the recommendation of the commissioners, to bring the whole matter before the House at once.

Sir *C. Cole* said, he represented the largest county in the Principality, and there was in that county but one feeling on the matter, and that was favourable to the bill.

Mr. *O'Connell* protested against any one being pledged by the Resolution, as he himself was against the very principle of compensation in such a case. No man could have a vested right in an abuse. A public system ought only to continue while it worked well for the public.

The *Chancellor of the Exchequer* reminded the hon. Member, that some of these Judges had been appointed for life.

Sir *C. Cole*: And one of them especially, as a reward for past public services. He asked the right hon. Gentleman whether the compensation was to be bestowed on all, whatever might have been the terms of their appointments?

The *Chancellor of the Exchequer*: Certainly not.

Resolution passed; the House resumed; the Report to be received to-morrow.

HOUSE OF COMMONS,

Thursday, May 20.

MINUTES.] The CHANCELLOR of the EXCHEQUER obtained leave to bring in a Bill to amend the Church-Building Act. Mr. H. MAXWELL obtained leave to bring in a Bill to regulate the applotment of County Rates and Cesses in Ireland, in certain cases. The ATTORNEY GENERAL obtained leave to bring in a Bill to repeal so much of the Act of 60 Geo. III. cap. 8, s. 4, as relates to the Sentence of Banishment for the second offence, and provide some further remedy against the abuse of publishing Libels. Lord MORPETH obtained leave to bring in a Bill for the purpose of appointing a Commission to inquire into the best method of shortening the road between London and Edinburgh.

Petitions presented. Against the assimilation of Stamp Duties (Ireland), by Mr. FITZGIBBON, from John F. Fitzgerald, High Sheriff of the County of Limerick:—By Sir J. NEWPORT, from Waterford, and from the Manufacturers of St. Michan, Dublin:—And by Mr. S. RICE, from the Inhabitants of Limerick. Against the Sale of Beer Bill, by Mr. BARING, from the Inhabitants of Thetford. For a better mode of passing Sheriffs' Accounts, by Sir W. HERON, from W. A. Johnson, Esq. Sheriff of Lincoln. For a Repeal of Assessed Taxes, by Lord ALTHORP, from Persons in the County of Northampton. Complaining of Distress, by Mr. DUNCOMBE, from certain Persons residing in Yorkshire. For the Repeal of the Parish Vestries Act (Ireland), by Mr. O'CONNELL, from the Inhabitants of Bandon and Douglass. For introducing Poor-Laws into Ireland, by Lord CASTLEREAGH, from the Vestry of Saintfield (Down). For the abolition of the Punishment of Death for Forgery, by Mr. C. DAVENPORT, from Shaftesbury. For the Admission of Foreign Grain in Bond to be ground into Flour, by Lord CASTLEREAGH, from the Inhabitants of Belfast. Against the Renewal of the East India Company's Charter, by Mr. K. DOUGLAS, from the Inhabitants of Annan; from the Incorporated Trades of Dumfries; and from the Royal Burgh of Dumfries. Against the Payment by Merchant Seamen of 6*d*. per Month to Greenwich Hospital, by Mr. LEYCESTER, from G. W. Butler, and the Seamen of Poole. For the Abolition of Slavery, by Lord MILTON, from Dissenters at Pickering:—And by Mr. SYKES, from Kingston-upon-Hull.

CONSTABULARY FORCE, IRELAND.] Mr. *O'Connell* rose to move for the returns of the numbers killed and wounded in affrays with the police in Ireland, in the shape proposed by the hon. and learned Solicitor General. He was glad to see that hon. Gentleman in his place, as he would be able to contradict a report that had been circulated in the county of Clare. In a letter he had that morning received it was stated that persons had been fired at by the police because they did not immediately stand when challenged. A boy was shot through the back, and died instantly. In vindication of this barbarous act, the police alleged that they had received orders to fire on all persons found out at night who did not immediately give an account of themselves. He trusted that no such orders had been given, which in Ireland would be most cruel and would inevitably lead to much bloodshed. The hon. Member concluded by moving for the following returns: "Of the number of persons who have lost their lives in affrays or otherwise by the Constabulary in Ireland in each year since the formation of that body; specifying the place where homicide occurred, and also the nature of the warrant, if any, which the Constabulary had to execute at the time of such homicide; and also stating what was in each case the verdict of the coroner's inquest, and in which of those cases bills of indictment were preferred and the manner in which the same were disposed of. Of the number of persons severely wounded in affrays with or by the constabulary in Ireland, in each year, since the formation of that body, specifying the place where each such wounding occurred and also the nature of the warrant, if any, which the Constabulary had to execute at the time of such wounding, and also stating in which of those cases bills of indictment were preferred, and the manner in which such bills were disposed of: Of the names and number of persons employed in the Constabulary Force in Ireland, who have been killed or severely wounded in affrays with, or otherwise, by any of the people in each year, since the formation of that body, stating in which of those cases bills of indictment have been preferred, and the manner in which such bills were disposed of."

Mr. *Doherty* thought it unnecessary to state that no such orders as those referred to by the hon. Member could have been given, and he could affirm from his own experience that the Government of Ireland was anxious that the policemen should do their duty so as to offend and injure the people the least possible. With respect to the returns moved for, he had no objection to their being produced, as he was desirous of having the subject of the Irish police calmly and dispassionately discussed. For himself, however, he must say, it was his decided opinion that such a force as the police was necessary for Ireland. He doubted if the returns could be made correctly, but such as could be procured he was prepared to consent to their being laid on the Table.

Mr. *Jephson* was convinced that these returns would not show that proper precaution was used by the police, who were armed in an improper manner. In one district several of them were furnished with rifles, and it appeared from some circumstances which had come to his knowledge, that they were very ready to use their arms. A party of them was sent some time ago to arrest some fellows, and apprehensive of their escape they fired at them as men would hunt out and fire at wild beasts. He blamed the policemen, however, much less than those who instructed and commanded them.

Mr. *Doherty* deprecated such a discussion, particularly as the law was open to those who had been injured. The fact was, that the spirit of hostility against the police on the part of the peasantry was so strong that every report concerning them was exaggerated. In truth the peasantry were animated with a deadly animosity, and had on more than one occasion begun an attack which rendered it imperative on the police to have recourse to fire-arms for protection.

Mr. *Hume* thought, this animosity was a proof that the system was a bad one, and he should look at the Returns and attend to the inquiry which he hoped would take place, with considerable interest.

Mr. *O'Connell* said, his object was to discuss the merits of the system, not the faults of individuals. He knew of one attack made by the peasantry on a police barrack, but that was in 1822, when the south of Ireland was almost in a state of insurrection. At that very time, however, the peasantry behaved with great kindness towards the regular troops, avoiding to attack them, and even succouring them after a rencontre with themselves. If the returns answered his expectations he should be able to prove that more individuals had fallen by the hands of the police than by the sword of the law, and to make out a case that called for the interference of Parliament. He did not believe that such a force was necessary for Ireland, unless it were necessary to keep up irritation, and occasionally shed blood. The whole country was in fact tranquil, except that now and then there was an affray with the police constables; as that body was constituted, instead of preserving peace it provoked disorder and riot.

Mr. *James Grattan* said, that in the part of the country where he resided the police maintained order without having recourse to fire-arms.

Returns ordered.

ALGIERS.] Sir *R. Wilson* said, he would take that opportunity to ask a question of the right hon. Secretary for the Home Department. It was understood that a frigate had been sometime since despatched to Algiers, with a view of removing from that city the British Consul and all other British subjects resident there. When, however, the frigate arrived off the coast, the commander of the French blockading squadron, it was said, prevented the vessel from approaching Algiers, and she was obliged to proceed to Malta. Now, he asked if any mode had been adopted to carry the original intention of Government into effect, or whether the French Admiral, having sent the frigate away, had taken any measure to secure the safety of those persons.

Sir *R. Peel* said, he could give the hon. and gallant Member a very satisfactory answer. It was well known that a blockade of Algiers had for some time been undertaken by a French squadron: and, when it became notorious that France was fitting out a very considerable expedition against that place, the British Government thought it right to despatch a frigate to remove the wives and children of British subjects from Algiers, in order that they might not be present during the siege. The British frigate arrived there, and took on board all the women and children, except the wife of the Consul, who was unable to leave the place in consequence of illness, and could not therefore, take advantage of the opportunity. On leaving Algiers a communication took place between the captain of the British ship of war, and the officer who had the chief command of the French blockade flotilla. That individual intimated a doubt to the commander of the British frigate, whether he could, consistently with his instructions, permit him to return to take away the wife of the British consul; but he said that he would state the circumstance to his Admiral, and ask his orders. The instructions, in all cases of blockade, were, he believed, the same; but it was customary to admit exceptions in the case of packets, and certain ships of friendly nations. Previously, however, to the French Admiral giving his opinion on the subject, the French government itself heard of the circumstance, and immediately interfered. There was no necessity for making any further application, as the French government stated at once that the officer had misconstrued his instructions, and that there was not the least intention of interrupting the usual system which prevailed between friendly nations. Even before the British Government had sent the ship of war to remove the women and children to this country, the French government had taken measures to secure the safety of all Europeans in Algiers.

Sir *R. Wilson* said, he was perfectly gratified and delighted with the statement of the right hon. Secretary.

DISTRESS OF THE COUNTRY; PETITIONS.] Mr. *E. Davenport* presented a Petition from Mr. James Thick, of Cloudesley

Square, in the county of Middlesex, in which the petitioner expressed his deep regret at the present state of the country, and lamented that nothing had been done by his Majesty's Ministers to give effectual relief to the people. He complained that facts had been misrepresented by individuals in that House, when they made statements illustrative of the situation of the country; and in proof of the general distress which prevailed, he adverted to the fact that in the parish where he lived there were 2,300 uninhabited houses. He prayed for the abolition of Branch-banks, and called for the formation of Joint-stock banks. He deprecated the system of emigration, and recommended Parliament to take some measures for the employment of the people at home. In conclusion, he prayed that he might be allowed to prove every assertion contained in his Petition at the Bar of the House.

The Petition laid on the Table.

Mr. *E. Davenport* said, that as the statements contained in the Petition were very important, he would move "that it be printed."

Sir *R. Peel* said, he thought it right to print petitions emanating from large bodies of men, but he would not encourage the printing of petitions coming from individuals. It was quite proper to receive them, but the printing of them stood on other and very distinct grounds. As the hon. member was a friend to economy, he hoped on that account, though the expense was trifling, that he would not press his Motion.

Mr. *E. Davenport* declared that he would persist in his Motion.

Sir *R. Peel* subsequently observed that his attention had been drawn to a petition presented on the 14th of May, from Thomas Ryan, of Thurles, in the county of Tipperary, and it was spread over three pages of the votes of Parliament. The printing of that petition cost at least three guineas, and the greater part of it was perfectly ridiculous. The petitioner among other things called on the Ministry, and a "better never directed the empire," to request of the Earl of Glengall to come over to his country and audit the county accounts one month at least previous to the Assizes, and entered into a variety of wild and extravagant matter. Now, he did not mean to contend that in no case should the petition of an individual be printed, but he certainly thought that the public ought not to be called on to pay for the printing of trash.

Mr. Alderman *Waithman* was of opinion, that every hon. Member should be responsible for the petitions which he presented. Such petitions as that which had just been referred to were calculated to bring petitions in general into disrepute.

Sir *M. W. Ridley* observed, that a considerable saving might be effected, not only with respect to the printing of petitions, but with reference to the printing of returns, many of which were useless; for example, a document had lately been laid before Parliament, consisting of 270 folio pages, which contained nothing else than the names of individuals, without one scrap of information concerning them. The document related to the burning of Hindoo widows.

Mr. *E. Davenport* would be glad if some rule were laid down, by which Gentlemen might judge of what petitions were, and what were not, fit to be printed.

Mr. *D. W. Harvey* said, that in many instances, where returns were called for, copies were printed of an entire series, when, in fact, a continuation of the documents already printed was alone necessary. There should be some office where Members might easily ascertain what documents were already laid before Parliament.

Sir *Robert Peel* said, the librarian would at any time give Gentlemen that information.

Mr. *Hume* was in favour of printing petitions and returns, from which much information was derived. They ought not to be so squeamish about a few pounds laid out in this manner, when, night after night, they voted thousands of pounds for less worthy purposes.

Sir *Robert Peel* did not object to printing petitions as a general principle, but to printing any nonsense which an individual might choose to call a petition to that House.

Mr. *O'Connell* said, he knew the petitioner Ryan, and he was really astonished that a man so discreet should have drawn up such a petition, but there were some points in it connected with the Grand Jury system in Ireland, a system which was loudly exclaimed against by almost every person in that country, which deserved attention, although coupled with matter that ought to have been omitted.

Mr. *C. W. Wynn* said, if the Gentleman who introduced this petition had read it, he ought not to have presented it; and if he had not read it, he had not done his duty. It was the duty of every hon. Member to see, when a petition was intrusted to him, that it did not contain any thing that was unworthy of the dignity of that House. Other parts of this petition were even more ridiculous than the portion which his right hon. friend had read. Such trash had never before been placed on the records of the House, and he hoped never would be again.

Mexico.] Mr. *Huskisson* rose to present a Petition, of which he had given notice on a former occasion. It was upon a subject of great interest, and was connected with the well-being and interests of an important class of the community. He trusted that this would afford some apology for him if he ventured to detain the House longer than was usual, or generally speaking, acceptable, upon the presentation of petitions. The Petition was that of the merchants resident in the town of Liverpool who had dealings and commercial intercourse with the state of Mexico; and he believed that the sentiments expressed in it were entertained by those individuals of Glasgow, Manchester, and London, whose manufacturing or commercial pursuits gave them an equal interest in the condition of the new States of America. The Petition stated, that since Mexico became an independent state, its trade with this country had increased, and it was susceptible, under favourable circumstances, of a still greater increase. However, that trade had unfortunately been exposed to various interruptions, losses, and uncertainties, in consequence of occasional military enterprises undertaken against Mexico from Cuba. They had been the cause of interruption to commerce, of considerable disorders in Mexico, and of expense and loss, which fell mainly upon neutral commerce,—indeed, upon the commerce of his Majesty's subjects, who had embarked their capital on the faith of solemn treaties. The Petition also stated, that last summer an expedition was despatched from Cuba, which entailed great losses upon British subjects, and the petitioners had reason to believe that other expeditions of a similar nature were fitting out. Of the importance of the subject there could not be two opinions, when we looked at the actual population of those states—a population amounting to nearly 7,000,000 and capable of being greatly increased—and recollected that this was a population, not our rivals in shipping or manufacturing interests, but able and willing to supply us with the precious metals, the produce of their country, in return for our manufactures, and to the great encouragement of our trading and shipping interests. Under such circumstances, it would appear that we were all deeply interested in the tranquillity, welfare, and prosperity of Mexico. The petitioners accordingly prayed the House to adopt measures to protect their interests, and induce Spain to desist from such expeditions, or else to prevent those expeditions, which could only terminate in disgrace and loss to herself, and injury to other parties connected with Mexico. There were two questions which naturally arose from considering this prayer: 1st. Had we the right, or rather, had we not incurred the obligation, to prevent the disorders complained of, and to put an end to the attacks of Spain upon the new States, at least to attacks proceeding from Cuba? 2ndly. If we had not incurred that obligation, had we not, nevertheless, a right, in common with all maritime neutral states, or, he might say, with all civilised nations, to insist upon a suspension of hostilities affecting our own interests between Spain and Mexico?—and, without entering into a needless interference, had we not a right to prevent Cuba from becoming the rendezvous for the equipment and departure of expeditions against the new States? With respect to our right to prevent attacks from Cuba he would state what he knew bearing on that question. Late in the year 1824, or he believed in the beginning of 1825, when this country had recently recognized Colombia and Mexico as independent powers, those States thought proper, with a view to prevent attacks upon their own territories, and being belligerents against Spain, to concert an attack on the island of Cuba. On the part of Mexico, a very considerable body of forces assembled at Campeachy, under the command of General Santa Anna, the same general to whom General Barradas surrendered last autumn; Colombia had collected a naval force at Carthagena, and had brought down to that point some of her best troops for the purpose of aiding in a descent on Cuba. At that time the island thus menaced was weakly garrisoned, and such a feeling prevailed amongst the inhabitants as rendered it probable that it might separate itself from the mother country, if opportunity and encouragement were afforded. When he recollected that at the period in question both Mexico and Colombia possessed great financial and other resources, and that their credit was good, it was only reasonable to conclude that the attempt upon Cuba, if made, would have been successful. But the matter did not rest upon his authority: he should quote the authority of an individual, whose official station in the government of the United States gave him the best means of information—means of which, doubtless, he had made the best use, as his country was deeply interested in the question. The authority to which he alluded was a letter addressed by Mr. Clay (then Secretary of State to the United States of America) to one of the ministers of those States in Europe, and dated the 10th of May, 1825. That letter said—

> "The success of the enterprise is by no means improbable. Their (Colombia and Mexico) proximity to the Islands (Cuba and Porto Rico), and their armies being perfectly acclimated, will give to the united efforts of the republics great advantages. And if with these be taken into the estimate, the important and well-known fact, that a large proportion of the inhabitants of the island is predisposed to a separation from Spain, and would therefore form a powerful auxiliary to the republican arms, their success becomes almost certain."

In a subsequent letter Mr. Clay said—

> "The fall of the castle of Saint Juan de Ulloa, which capitulated on the 18th day of last month, cannot fail to have a powerful effect within that kingdom (Spain). We are informed that when information of it reached the Havannah, it produced great and general sensation, and that the local government immediately despatched a fast-sailing vessel to Cadiz to communicate the event, and, in its name, to implore the King immediately to terminate the war, and acknowledge the new republics, as the only means of preserving Cuba to the monarchy."

Cuba, he believed, would not have been preserved to Spain, but for the interposition of the United States and of his Majesty's Government, which both directed their efforts, though acting without concert, and upon views of their own separate interests, to prevent the separation of Cuba from the Crown of Spain. The meditated attack naturally excited uneasiness in this country and in the United States. The position of Cuba induced America to interpose, for the purpose of inducing the new States to abandon the expedition; and Mr. Canning, on the part of the British Government, had, he doubted not (although no official record of the fact was preserved), an interview with the Mexican and Colombian ministers on the subject. Mr. Canning was understood to have explained to those individuals the feelings of pain and regret with which England viewed the progress of the expedition; and he added, that we should not be indifferent to any event that might tend to disturb the tranquillity of Cuba. He felt bound to say, that those who advised his Majesty at that period would have been guilty of a great oversight and neglect of duty, if they had not endeavoured to prevent an attempt, which, by disturbing the tranquillity of Cuba, might, by mingling the black population in the war, have endangered the safety of the most valuable colony of Great Britain, and hazarded in its results, the peace happily existing in all parts of the world. It might be fairly supposed that Mr. Canning then called upon Mexico and Colombia to consider whether, by forbearance at our request, they would not place this country in a better situation to mediate between them and Spain, and induce the latter to listen to propositions of amity and conciliation between her and her late colonies. Be that as it might, these states were clearly inclined at the time (as their conduct showed) to receive with the greatest deference, not to say respectful reverence, the expression of the wishes of this country. He might here observe, that he was sorry to perceive that an impression had got abroad, and prevailed in some quarters, that we were now ashamed of our new connexion with the South American States; however, he was convinced that the opinion had no foundation whatever in truth. He was convinced that it was impossible for this country, after all which had occurred, not to entertain the greatest anxiety for the welfare, prosperity, and general tranquillity of the new governments. It was under the influence of such a feeling that his Majesty had been advised to recognize those States, and he was sure that the same favourable feeling still existed. But to return from this digression: in consequence of the interposition of

England and America, the republics desisted from their enterprise against Cuba, which they totally abandoned, notwithstanding the expense that had been incurred in preparations, and sent their troops into the interior. Four or five years had elapsed since this interposition on our part, and during that time the ministers of the new States more than once inquired whether the same principle of interposition continued, in the event of an attack upon Cuba being meditated. They were told that our objections to an attack still continued in full force. During these four or five years what had Spain been doing? She was employed in recruiting her forces, and adding to her resources; availing herself of the advantage of having her towns garrisoned, and her police managed by the troops of a foreign power, she was enabled to unite her forces at Cuba, for the purpose of attacking and endeavouring to recover her ancient colonies. Land forces and ships having been collected, an expedition proceeded, in the month of August last, from Cuba against Mexico. He would ask, was the British Government apprised of this expedition? And he should like to know whether we made any remonstrance against it? Did Ministers say to Spain —"As we protected Cuba from the republics, we feel bound not to allow Cuba to be made the rendezvous of expeditions intended to attack those States?" If Ministers had not so acted they had not fulfilled the obligations of a strict and impartial neutrality: and if such remonstrances were made, he was sorry to say that they had not been attended to by Spain, which, in this respect, acted differently from the new States of South America. The expedition, which seemed to have been projected under the mistaken impression that the inhabitants of the republics would declare in favour of Spain upon the arrival of a Spanish armament on their coasts, sailed from Cuba, and landed without opposition on the continent, where the troops remained some time before a force could be collected to attack them. During all this time they were not joined by a single Mexican; the inhabitants would not even supply them with provisions; and eventually they were obliged to lay down their arms. He had no difficulty in saying that it must be the wish of every maritime power in Europe (and of England above all others, being the greatest maritime power, and the most interested for commercial reasons) that Cuba should remain tranquilly and peaceably in the possession of Spain, as he hoped it would. It must be the wish of this country that none of those occurrences out of which maritime contests might arise should take place; and upon this ground he was justified in saying, that Cuba ought not to be allowed to become the point from which expeditions should proceed to attack Mexico or Colombia. When this subject was brought before the House early in the Session by his gallant friend opposite (Sir R. Wilson) his right hon. friend the Secretary for the Home Department, said, that England would observe between the belligerents the most careful and strict impartiality. Now if his right hon. friend meant by impartiality that, as we had not been able to prevent the attacks of Spain upon her ancient colonies from Cuba, we would allow the States of Mexico and Colombia to attack Cuba in their turn, it was no better than a mockery. To be impartial we must place the parties as they stood in 1825, or, if we could not do that—and there was no question that we could not—our only mode of proceeding was, to put Cuba under the same interdict, as regarded warlike expeditions against the new States, as that which we had imposed upon them with respect to armaments directed from their shores against Cuba. Although at the present moment it was impossible for the new States to attack Cuba, yet, in the course of the war, if it were continued, the tables might be turned, and they might find themselves in a situation to do so; in all probability, our impartiality would then be again at fault, and we should feel it necessary to protect Cuba, as we had done before. Taking the matter in another light,—Spain was a belligerent; as long as she continued so, her possessions—Cuba, or any other colony—were exposed to all the hazards of war; there was no preventing it upon any fair principle. Recollecting, too, what occurred at Cadiz in 1820, did they think that there was no danger in having a large body of Spanish troops collected in the island of Cuba, any more than in the port of Cadiz? In the first place, was there no danger of feelings of dissatisfaction being created among those who had to support the troops? In the next place, was there no danger from exposing these troops to the hazard of that happening in Cuba, which occurred at Cadiz in 1820? Should they act in opposition to the government, it might afford a pretext to a neighbouring power to interfere with Cuba, as France had interfered with Spain? Under such circumstances the best interests of all parties should induce us to put an end to the warfare altogether, or at least to consent that the island of Cuba be excepted from its operations; that if it be held sacred from attack, it may be interdicted from becoming a dépôt for warlike preparations, and the means of aggression. It was consistent with every principle that ought to govern maritime neutrals, to require of Spain that hostilities, which had now continued twenty-one years, should cease. Seven years had elapsed since Spain held one foot of soil in the new States: seven years ago it was stated, in the minute of an official conference between Mr. Canning and Prince Polignac, that the contest was utterly hopeless, and that the course of events had finally decided the relations of Spain and her former colonies. It was consistent with the general interests of humanity, it was in accordance with the rights of nations, for neutrals to interpose when a contest became hopeless, and require that it should be terminated, because war was in the abstract, and of itself, too great an evil to admit of its being continued indefinitely to gratify the spite or animosity of individuals. What did we do with respect to Greece? Did we not interpose, by the treaty of the 6th July, 1827, when the war between Turkey and Greece had been carried on only four or five years? Even after so short a period of hostilities, however, feeling the ill effects of piracy, and other interruptions to commerce, the great powers of Europe considered that they had abundant reason to interpose. Did we suffer no inconvenience from piracy? was no injury inflicted on British commerce in consequence of the protracted struggle between Spain and her late colonies? Undoubtedly the evil was felt, and in 1822 we were even on the point of issuing letters of reprisal for the injuries done to British commerce. However, a treaty was signed, guaranteeing remuneration for our losses; and after a lapse of nine or ten years, he believed we had at length obtained about thirty or forty per cent, on the amount of them. Was any Gentleman prepared to say that a war involving and compromising such interests was to be permitted to continue till the States of Mexico and Colombia should cease to assert their independence, or Spain be disposed to acknowledge it? If such a principle were propounded, the war might be interminable. He knew that, in the state paper to which he had alluded, Mr. Canning had said, that we should observe a strict neutrality in the contest. By this, however, Mr. Canning must have meant that we should remain neutral during a reasonable time only. It could never have been meant that any contest should be interminable which was injurious to neutral states. Besides these, he thought the House would agree with him in saying, that there were other considerations which ought to make us wish for the tranquillity and independence of the new States. For his own part, he would say boldly, that if the United States of America had declared that they could not allow any other maritime State to hold Cuba, we ought at the same time to declare, that we could not allow the United States of America to possess themselves of any greater extent of coast than they now occupied in the Gulf of Mexico. If with that extent of coast, and the number of islands already in their possession, the United States of America should make themselves masters of New California, and of the ports of Mexico in the Pacific, then the independence of Mexico would be nothing but a name, and Mexico would be as much at the mercy of the United States as were any of the Indian tribes which bordered on the American dominions. No one could rejoice more sincerely than he did in the amity and confidence which existed between Great Britain and the United States; and he could hardly, he thought, be accused of any discourtesy towards America, if, as an individual Member of that House, he looked forward from present to future times, and spoke of the consequences—with reference to the general interests of the world—which must result from America attempting to obtain, and succeeding in obtaining, that which persons, whose views and opinions had greatly influenced the policy of that republic, were known to have ardently desired. From the past policy of the United States, —from the recorded and published opinions of one who had exercised the greatest influence over their councils,— the permanent political views of that republic might, without unfairness, be deduced. They were not precluded from such a course with reference to the States of the old world, and he knew of nothing in the character of a republic of the new world which called upon them, or would justify them in departing from that course, when they came to the consideration of the political views of the United States of America. Allow him to call the attention of the House to the correspondence of a man who had been mixed up in all the political transactions of the United States; for in that correspondence—he alluded to the correspondence of Mr. Jefferson—they would discover the fixed and permanent policy of that republic. In 1790, when it was expected that hostilities would have broken out between this country and Spain, America, taking advantage of this circumstance, claimed, as a right, the free navigation of the Mississippi. But did the Americans stop there? No; for Mr. Jefferson, who was then Foreign Secretary, wrote a letter of instruction to Mr. Carmichael, the resident of the United States at the Court of Spain, in which letter Mr. Jefferson, taking it for granted that the claim to the navigation of the Mississippi would be allowed, used the following language:—"You know that the navigation cannot be practised without a port, where the sea and river vessels may meet and exchange loads, and where those employed about them may be safe and unmolested?" Then came this doctrine,—which struck him as being so new and original, that he begged the attention of hon. Members to it,—"The right to use a thing comprehends a right to the means necessary to its use, and without which it would be useless. The fixing on a proper port, and the degree of freedom it is to enjoy in its operations, will require negotiations, and be governed by events." In the same correspondence there was a letter to Mr. Short, the resident of the United States at Paris. This was a confidential letter, in which the port Mr. Jefferson had his eye upon was named, and Mr. Short was directed to communicate with Count Montmorin, and ask his influence with the Court of Madrid for the attainment of the desired object. The island and town of New Orleans was the acquisition the United States hoped to obtain from Spain, and Mr. Jefferson says—"The idea of ceding this could not be hazarded to Spain, in the first step: it would be too disagreeable at first view; because this island, with its town, constitutes at present their principal settlement in that part of their diminions, containing about 10,000 white inhabitants of every age and sex. Reason and events, however, may, by little and little, familiarize them to it. * * I suppose this idea too much even for the Count de Montmorin at first, and that, therefore, you will find it prudent to urge and get him to recommend to the Spanish Court, only in general terms, a port near the mouth of the river, with a circumjacent territory sufficient for its support, well defined, and extra-territorial to Spain, leaving the idea to future growth." This matter, however, ended in nothing; for Spain and Great Britain did not go to war. Shortly afterwards, the war of the Revolution broke out, and Spain, taking part against France, was forced to cede to the latter, not only New Orleans, but the whole of Louisiana, which America obtained from France by a payment of a sum of hard money in 1803. In the year 1806, Mr. Jefferson, who was then President of the United States, wrote a letter to Colonel Monroe, Ambassador from the United States to this country, in which the following passage occurred;—"We begin to broach the idea that we consider the whole Gulf stream as of our waters, in which hostilities and cruising are to be frowned on for the present, and prohibited so soon as either consent or force will permit us." Now, he quoted these passages only for the purpose of showing what views had been entertained by the United States. In 1819, the United States obtained the Floridas from Spain; and in 1823, when the question of Cuba was under discussion, and the Americans expressed their anxiety that it should not fall into the hands of the Mexicans, what sort of language was then held by Mr. Jefferson? It was this:—"I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico, and the countries and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being." Thus he had shown what had been the past policy, and what were likely to be the future views, of the United

States. That a war might one day arise out of these views and pretensions, was too probable, and so much progress had already been made by the United States, in the attainment of her objects, that the probability of her realizing all which had been stated by Mr. Jefferson, was a contingency which no prudent statesman would hastily dismiss from his mind: without thinking it right for one nation to interfere to prevent the prosperity of another, he must say, that if there was any course of policy more likely than another to retard the fulfilment of those ambitious views, which were common he was afraid, to the American people, as well as to their statesmen, it would be that course which would heal the wounds and preserve the integrity of Mexico, which would enable her government to establish itself on a solid basis, encouraging the industry of her people, cherishing their commerce, and protecting her territory against every encroachment, whether openly or insidiously made, and resisting every attempt to trench upon her power and independence. She ought, therefore, to be relieved from the necessity of maintaining a large military force, disproportioned to her resources, by the constant dread of an attack from Cuba. The government ought not to be endangered by the presence of an army, licentious, because ill paid, which was wasting the productive capital of the country, and demoralizing her people. Should Mexico be at ease, and prosperous, she would be for us a most firm ally, having her interests identified with ours. Let her, however, remain much longer in her present harassing and exhausting condition, let either her weakness or her dissensions make her an easy, or perhaps a willing prey to the United States, and such changes would ensue as would involve our country in war, unless we were prepared to abandon our colonies, our maritime ascendancy, and our extensive commerce. He thought, therefore, that now, when America showed a desire to preserve the blessings of peace, a good opportunity presented itself for putting Cuba in such a situation as would render it unlikely ever to fall into her hands. In like manner, care should be taken that the possessions of Mexico, bordering upon the territory of the United States, should not come into the occupation of the latter. He was sensible that he had too long trespassed upon the attention of the House, especially as the subject was one upon which the House could take no measures; but he was certain that the opinions expressed in that House, and in the country, on such a subject, would go forth beneficially, and that they would not be without their weight in assisting negotiations which might have for their object the cessation of hostilities between Spain and her late colonies; the rest they must leave to Providence. He thought, however, that Spain might, not only without dishonour, but with great wisdom, follow her own example in the more powerful and brighter days of her monarchy. In 1609, Spain consented to a truce for twelve years with the United Netherlands; and though it was not until after a lapse of forty years, yet she did at last acknowledge the independence of these her former provinces. Spain had no better chance now of recovering possession of the South American States, than she formerly had of bringing the United Netherlands beneath her yoke. It was from Mexico the great supply of the precious metals was derived, and the whole of Europe was now suffering from the obstruction of that supply. The only speedy, certain, and efficacious relief for that suffering was to be found in the greater productiveness of the mines of that country. In the name of suffering Europe, therefore, he urged the necessity of putting an end to hostilities between Spain and her former colonies. Our Ministers had a right, in the name of this country, as one of the common sufferers, to demand from Spain the discontinuance of this desultory and, to her, useless warfare. On these considerations, therefore, he implored the Government to use all its influence, in concert with the allies of England, for the accomplishment of this end. The powers of Europe had a right to say—"We insist upon it that these hostilities shall terminate." Further than this they could not go; but to this extent he contended they might proceed. He begged again to apologize to the House for having detained it so long; and he had now only to move that the Petition be brought up.*

Sir *R. Peel* said, he felt that he should not only be excused but that he should stand justified, if he abstained from entering into the discussion of any of those important points upon which his right hon. friend had touched. He did not quarrel with the introduction of those points by his right hon. friend, in the speech he had just delivered. His objection to enter upon the discussion of them was founded on higher grounds. He stood there in a position different from that of his right hon. friend. His right hon. friend had very justly observed, that he spoke there as an individual Member of that House. The Government, consequently, were not responsible for the opinions expressed, or the doctrines laid down, by his right hon. friend. This, however, was not the place in which he (Sir R. Peel), as a Minister, ought to enter into a discussion of the future policy of the country. Neither should he be justified in going into those questions of national rights upon which his right hon. friend had touched; for though these were apparently of an abstract nature, yet his right hon. friend had given them a practical application. He felt, therefore, that duty imposed silence upon him with regard to these topics. Upon one point only of his right hon. friend's speech did he feel himself at liberty to say any thing. His right hon. friend had insisted on two things; first, he had said that England had imposed upon itself an obligation to protect Mexico and Colombia from any attack on the part of Spain from the Island of Cuba; and that England had contracted this obligation in consequence of past transactions, but especially in consequence of an interdict which she had laid upon these provinces, forbidding them, it was said, from making an attack on Cuba. Secondly, his right hon. friend had laid down, that England, in conjunction with the other Powers, had a right to prevent Spain from continuing hostilities against Mexico and Colombia. On the latter point he felt it his duty to abstain from discussion, because it would lead him into the future policy of this country. With respect to the first point, he must preface what he had to say by the expression of the regret he felt that any misunderstanding should have gone abroad on a subject of so much importance. The question was simply this—whether any such interdict had been laid by this country on Mexico and Colombia as ought to call upon us to prevent an expedition against those provinces, on the part of Spain, from Cuba. It was with surprise that he heard his right hon. friend say, that there had been such an interdict; for the language of Mr. Canning, both in that House, in the Cabinet, and in his despatches, was, that England would maintain a strict neutrality in the contest between Spain and her colonies. Mr. Canning had indeed said, that this country deplored the continuance of those hostilities; but he had, at the same time, invariably said England would preserve a strict neutrality in the contest. Now, he was bound to admit that if this country had interdicted Mexico and Colombia from attacking Cuba, or that if it had prevented such an attack by remonstrances, which amounted to an interdict, then in such a case, we should have departed from that strict and impartial neutrality which was invariably professed by Mr. Canning. With this view, the propriety of which he presumed no one would be found to question, he could not help feeling that the character of that distinguished statesman was deeply involved in the solution of the question: and the House therefore, he was sure, would think him justified in going into some details, for the purpose of removing the misconception which had unhappily gone abroad respecting this affair. In the first place, then, he was prepared to deny the existence of any such interdict, or of remonstrances which would amount to an interdict. There was no written record, as his right hon. friend admitted, of any thing of the kind; and this, if such interdict or remonstrances had been made, was at once against the established usage of the office, and at total variance with the custom of Mr. Canning, who was no less remarkable for punctuality in the business of his office than he was for brilliancy of eloquence and cogency of reasoning in the discharge of his duties in that House. The absence then of any written record was the first ground on which he denied that there had been any such interdict or remonstrance. In the next place, if there had been such an interdict, it was certain that it was never issued at the instance of Spain. Spain certainly was never aware of the obligation she would have owed to us for such an interference on our part. If such an interference had taken place, it was not probable that Mr. Canning would have suffered Spain to remain in ignorance of it; but there was nothing in the communications with that country to warrant the belief that Spain was ever informed that any thing of the kind took place. He was not discussing the point as to what course ought to have been taken, or what we did take, but whether, even if we had taken that course, so far as to advise the governments of Mexico and Columbia, it would have entailed upon us the moral obligation to make a defensive alliance with those powers now, to prevent any attack by Spain from Cuba upon them. It was true that in 1820 the government of the United States did advise the governments of Colombia and Mexico to abstain from any attack on Cuba, on the ground that Russia was disposed to offer her mediation with Spain. On the 20th of December 1820, Mr. Clay wrote to Mr. Salassa, the minister of Colombia at Washington, informing him of the proposed mediation of Russia between Spain and her colonies; and, alluding to an expedition which he understood to be then in preparation at Carthagena, destined against Cuba or Porto Rico, he mentioned that the abstaining from sending such an expedition would have a salutary influence in that mediation; he hoped, therefore, that the government of Colombia would see the importance of abstaining from the intended attack. Now surely it would not be contended, that if Colombia had acted upon that advice, the United States would have thereby contracted an obligation to make a defensive alliance with it against any attack from Cuba. The answer of Mr. Salassa to that communication was important: he said, that as to the wish of the United States for suspending any attack about to be made by Colombia on Cuba, he would lose no time in communicating it to his government; but at the same time, he felt it necessary to state, that neither by official communication, or otherwise, had he any information that such an attack was intended. He believed the report to be rather the result of conjecture, founded, probably, upon the fitness of the time and opportunity for making such an attack. He added, that this government wanted not the opportunity, for that such an attack, would, no doubt, be very desirable to many of the inhabitants of Cuba itself. But in the whole of this communication he never once mentioned England, or that any wish had been expressed on her part that such an attack should not take place. There must, then, he conceived be some mistake on the part of his hon. and gallant friend (Sir Robert Wilson) on the point as to the advice of Mr. Canning. [" *No, no,*" *from Sir R. Wilson.*] It was certain, however, that he could find no trace of any such advice having been given, and he was in the Ministry at the time. The second point to which he wished to call the attention of the House was, that Spain had no notice of the interference, nor was in any way aware of the obligation she was under to this country on that account—an obligation which, as he had observed, Mr. Canning would not have lost the opportunity of letting Spain know that she owed us. This fact was of itself a strong one against the probability that any advice had been given or request made on the part of the Government of this country; but he held in his hand a document which he thought afforded conclusive proof of the accuracy of his view of the case. He knew it was not the practice to introduce official documents of this kind in discussions in the House, but the nature of the present case, referring in a great degree to the character of Mr. Canning, would justify this departure from the ordinary practice. The document which he held in his hand was a copy of a despatch from Mr. Canning to Mr. Dawkins, our minister, who was proceeding to the Congress at Panama. In this despatch, dated March 1826, Mr. Canning pointed out how earnestly it was desired by the United States, by France, and by this country, that Cuba should remain a colony of Spain; but it was added, that the British Government was so far from denying the right of the Mexican state to attack Cuba, as the colony of a country with which she was at war, that we had not even joined the United States of North America in the intimation given to Mexico and Colombia, that the abstaining from such an attack would be desirable, or made any communication which would show that an attack on that Island would annoy us. This fact, coupled with the absence of any document of Mr. Canning's in the Foreign-office showing that any formal communication was made to the Mexican government on this subject, was, he thought, conclusive that no such communication was ever made. It was very probable, that in the course of conversation with the Mexican minister, Mr. Canning might have pointed out the danger which would have attended a plan with respect to Cuba, which had for one of its objects the creating an insurrection among the slaves of that Island. Mr. Clay himself, it was certain, did point out the impolicy of putting arms into the hands of one part of the population for the destruction of the other, and it was probable that, in conversation with the Mexican minister, Mr. Canning might have expressed his concurrence in that view, and also have pointed out the danger that would arise to Jamaica and others of our West-India Colonies, from the example of arming the slaves of Cuba. Such conversation he had no doubt did take place, but there existed no record of any communication of the kind having been made to the Mexican or Colombian government. On the contrary, he appealed to the document which he had just read, to shew that, whatever Mr. Canning might have thought on the subject, he had never pledged the authority of this country to any endeavour to prevent war from being carried on against Cuba, though it was probable that he might, in, conversation, have expressed an opinion that such an attempt would be by no means desirable. What he had now offered was, he hoped, sufficient to vindicate this country from any moral obligation to defend Mexico from any attack by Spain, through Cuba. At the same time he would admit. that this country was by no means indifferent to the condition of the new States of South America, or had any wish but that they should consolidate their power. We had shown, and France and the United States had shown, that they, that the whole world had an interest in the tranquillity of those States. He did not know where his right hon. friend had got the information of the intended attempt again to reduce them under the dominion of Spain, but he owned he should regret to hear of any attempt of that kind. He spoke of this, not viewing it as a question of abstract right, but rather as one in which this country would offer her advice, in a tone of friendship, to Spain, and he believed that never was there a time when she was more disposed to listen to that advice than at present; and knowing this, we should not discharge our duty towards her as a friendly state, if we did not strenuously recommend that she should not waste the resources she still possessed in a fruitless attempt to reduce those States which were formerly her colonies; and that, if she did not recognize their independence she should at least cease to carry on a war against them. He would not enter into the question of the right we might have to demand this, for that would be entering into the question of our future policy, upon which he did not think it would be prudent for him to touch in a discussion of this kind; but undoubtedly, in common with every other maritime power, we had an interest in the restoration of tranquillity between the new States of South America and Spain, inasmuch as the continuance of hostilities would keep up those piratical attacks, which were so frequent upon the commerce of all nations in the seas adjoining those States. Spain had, indeed, a strong interest in preventing the loss of her possessions of Cuba and Porto Rico; but beyond these she ought not to look; for there was no doubt that she would never be able to regain those she had lost; and the greatest curse which could fall upon her would be to gain temporary possession of two or three fortified places in those States. The whole of her influence in Europe would be paralyzed by her attempts to keep up even a few small places against the will of the people. For the sake of the interest of Spain herself, then, he should regret any attempt of the kind; and he earnestly hoped she would attend to the advice she received this day from England, of whose good-will she must now be convinced. Nothing would be more injurious to Spain than such a course. There were examples in her own history, to which his right hon. friend had alluded, which it would be well for her to imitate. In the year 1609 she listened to the friendly advice of other powers, to agree to a truce with the states of the Netherlands, which, though it did not bring about a recognition of their independence immediately, yet eventually led to that, and had the effect, with some slight interruptions, of putting an end to the sanguinary contests which she had carried on against them. This, however, was not the only instance in her history in which she had recognized the principle of friendly mediation; and there was one in which it would have been well for this country if it had taken such mediation and advice in the prudent and friendly spirit in which it was offered. In the contest in which we were engaged with our North American colonies, Spain, in the year 1779, seeing the fruitlessness of the attempts we were making to retain dominion over those colonies against the wishes of their inhabitants, did, as a friendly state, offer her advice, that if we did not choose to recognize the independence of those States, we should at least, as we had suffered considerably in the contest, cease from hostilities,—that a truce should be agreed upon for a time, which, without any compromise of the right of either party at the moment, might lead eventually to an amicable termination of the contest. This advice we rejected, and what did we gain by it? After continuing the contest for a few years, we were obliged to do that which it would have been much better to have done sooner—we recognized the independence of the United States. Spain was now in a situation nearly similar to the situation of England then, and if she rejected the friendly advice which England and other States gave her, she would find that none but baneful consequences would follow. He did hope, however, that she would be induced to listen to the friendly counsel she received, and not waste herself in a fruitless contest, that could never restore her the dominion over her colonies, and would forfeit for her the good-will of those Powers which were now anxious to promote her interests, and effect an accommodation between her and her former colonies. In these few remarks he hoped the House would find a proof that the Ministers of this country had not looked with an eye of indifference on the prosperity and political relations of the new States of America. Another, and a very delicate point to which his right hon. friend had called the attention of the House, was the views of the United States towards part of the Mexican territory. He hoped that those States, possessing as they did the freest institutions, which had claimed credit to themselves for being the advocates of freedom every where, would be too generous to take advantage of the weakness of Mexico, and trench upon her independence as a State by the appropriation of any part of her terrritory. If in the moment of her strength they had by their advice prevented her from attacking Cuba, and now took advantage of her being attacked from that quarter, to prey on her weakness and her distractions, they would be acting inconsistently with their declarations, and doing that which would redound but little to their honour or their character as a free State; but he owned he entertained no suspicions of the kind. He relied with confidence on the statements of the American minister to this country, than whom a more honourable man did not exist, that America had no wish to take advantage of either Mexico or Spain, or to possess herself of any of those portions of territory to which his right hon. friend had alluded. Undoubtedly it would not be consistent with the interests of England that America should make any such addition to her territories, or occupy any part of the Mexican States by settlers or otherwise; but he repeated, he had no suspicion of her disposition to do so. He trusted he had stated sufficient to maintain his chief point—that we were not bound to enter into a defensive alliance with Mexico, to prevent any attack from Spain through Cuba. He would not enter upon the abstract right or policy of this country with respect to any such interference, for the reason he had already assigned, but he must contend, that his right hon. friend had not made out a case to show that we were at all bound to act defensively for Mexico.

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* [I cannot pass this Sheet, in the usual routine of business, 'for Press,' without remarking the interesting, but melancholy, coincidence of circumstances, that on the very day I was reading this Speech of Mr. Huskisson on the final proof, the fatal news was made known in town of the dreadful accident, near Liverpool, which has now deprived the country of this able and distinguished Statesman. *H. Sept.* 17, 1830.]

[Towards the close of the right hon. Gentleman's speech he was at intervals but very imperfectly heard, owing to the low tone in which some of his sentences were delivered, which, from the thin attendance of Members, were no doubt sufficiently audible in the body of the House, but were not loud enough to be equally distinct in the gallery.]

Sir *R. Wilson* said, that the latter part of the right hon. Gentleman's speech had afforded him much satisfaction; but with respect to the course pursued by England in 1825 he could not entirely concur. It was certainly very generally understood, that the expedition proposed by Mexico and Colombia was abandoned in consequence of what Mr. Canning had said. Indeed, he had the best authority for knowing that Bolivar had determined on attacking Porto Rico, and that the British minister in Colombia (Mr. Cockburn) communicated to him the objections that there were to the expedition, founded on the former communication of Mr. Canning. He was able to state this positively, because he had received a communication from Bolivar himself to that effect. And so strongly did this impression prevail, that for the last two years the Colombian minister had been required to do all in his power to remove the interdict which it was presumed still existed. At length Mexico, however, determined to make the attempt, but was prevented; discussions ensued with this country, followed by a declaration, which he had no doubt was impartially given, as the discussions, he believed, were most impartially conducted. That declaration was not written, but it was a verbal expression, which stated, in clear terms, the opinion which the Government of this country entertained concerning that expedition. The consequence of it was, to disperse one expedition, and prevent another from sailing, and finally to make the Mexican and Colombian governments give up those enterprises they had for some time contemplated against the Spanish colonies. The right hon. Gentleman said, that Spain was no party to any engagements with us, which gave us a right to call on her to forbear—that we had nothing to do with preventing the Mexican and Colombian governments from making an attack on Cuba, when they were resolved to attack it. He hoped it would not be supposed that a nation, great and powerful like this, had interfered to prevent these States, when they were disposed to do so, from sending their expedition to Cuba, and had given them that permission when they were no longer able to make an attack. Two months back the Earl of Aberdeen did inform the minister of Mexico, that that State might make an attack, if it pleased, on Porto Rico or Cuba. This was after discussions had taken place upon it in that House, and after the right hon. Gentleman had pledged himself to our rigid impartiality. We had then given them the liberty to do what they were unable to perform, and when they were able we had prevented them. We restrained them when they were rich and powerful, we set them at liberty when they were unable to move from weakness. He was glad to hear his right hon. friend say, that his Majesty's Government was attentive to the interest of England, but he should, at the same time, have liked to hear him say, that the Government had used vigorous means to promote it. From the remarks of his right hon. friend it appeared, in the first place, a doubtful point whether it was intended to demand a cessation of these expeditions on the part of Spain in the interest of England; but in the second place, it was not at all doubtful that the British Government was deeply impressed with the great importance of the subject. What was the inference? Why, that it relied on the negociations it was carrying on to attain the object. When the House recollected, however, how slow, how ambiguous were negociations, what a length of time it took before they could check any measure in agitation—when the House recollected that these negociations, if protracted, would produce apprehension—he thought a demand or a request on the part of his Majesty's Government would better accomplish the object. If that government were resolved to put an end to a war of destruction, if the interests of Great Britain demanded it, the British Government ought now to say, as Lord Bolingbroke said to the French minister on a former occasion, respecting the government of Spain. The French minister said, that it was for the interest of France that Spain and France should be under the government of one family; but it is not, said Bolingbroke, the interest of Britain to allow that to continue. In 1672, also, when the treaty of Madrid took place—when Venice was carrying on war against the Netherlands, and objected to making peace—the King of France declared, that the interest of Europe required that peace should be procured for the Netherlands; and he said, those States must make peace, or that he would make war against those who refused. This was the sort of language and conduct that ought now to be held by the Government of Great Britain towards Spain, if it were disposed to act towards it in the most friendly manner. It would not call on that power to make any sacrifice, but to do that which would be very beneficial to herself, and of great utility to the rest of mankind. It was said that Spain was not at present engaged in any hostile expedition, and that she entertained no view of undertaking a new enterprize against the States of South America. But he knew that a proposition had been sent from Cuba to Spain, for the latter to raise 25,000 men; which, being sent to Cuba, the government there undertook and pledged itself to reconquer the province of Mexico for Spain. If the declaration of the government of Cuba was worth anything, it deserved some attention. Spain, however, had decided to carry the proposition into effect, and the preliminary steps for preparing an expedition had been taken. In every regiment a register had been opened, to insert the names of those soldiers who would volunteer their services. The chambers, also, of the different local governments in Spain were providing funds for the purpose. Spain was negociating; but in the mean time she was taking measures, if the negociations did not succeed, to act in her own manner. Whether she actually sent the expedition to Cuba or not, the effect on Mexico and Colombia would be the same. Those States would be kept in agitation—the tocsin would be sounded, hostile parties would be called into the field, preparations would be made, and new burthens would be imposed on the people. These would be the consequences of the demonstration—they would be almost as bad as the consequences of actual invasion, unless the demonstration could be checked and put aside. Those States could not be disposed to sacrifice their own frontiers, and in the expectation of an attack, they must take measures to defend themselves. Mexico and Colombia would be exposed to the same circumstances as they were exposed to during the last year. At the time when the expedition was formerly preparing by general Valdez, he had, in conjunction with some merchants, waited on the Secretary of State for Foreign Affairs. What then passed was no secret, and he might therefore state it. The Earl of Aberdeen then said to the deputation, that there was no intention whatever on the part of Spain to send any expedition—and fifteen days afterwards General Barradas sailed. He did not accuse the Earl of Aberdeen of wishing to deceive the deputation—far from it: nor could he accuse the Spanish minister of deceit. He had known Mr. Zea formerly, and knew him to be an honest man, and he had no doubt that he had made no declarations but what his duty required. For several years America had been harassed by these expeditions, and by these threats of expeditions; and it was time to put an end to that state of things—England was much interested in doing so. A Newspaper from America, or the packet, brought over intelligence that an expedition was forming by Spain, and immediately all the trading community of England was alarmed—goods that were ordered to be shipped were stopped—those that were ordered to be made were countermanded—enterprise rested—speculation stood still—doubts came over every merchant, and trade was suspended. England suffered, therefore, from the continued hostility as well as Mexico. The Mexican government was harassed by new difficulties. It had not only to provide means to repel the attacks of Spain—it was exposed to another danger, which these threatened attacks augmented. He was far from saying that the Government of the United States encouraged any seditious proceedings; he believed that it desired no change; it had no wish to throw impediments in the way of the Mexican government, but it was not, perhaps, quite able to control its own subjects. It had not encouraged any attacks on the province of Texas; but there were 5,600 of its subjects who had become squatters in that province, and who resisted the Mexican government They had taken possession of it without any right, and they held it without any justice. The government of Mexico could not allow 250 leagues of sea-coast to be taken away, and one of the finest provinces of the whole continent of America to be separated from it and united with the northern republic. These squatters resisted the government of Mexico, and resisted it in a point which should recommend that government to the philanthropists of England. The Mexican government had issued a decree to abolish slavery throughout its dominions; but the American squatters, who carried slaves along with them, had declared that they would not obey the Mexican law—they regarded themselves as independent, in fact, and declared that if the Mexican government sought to enforce it they would call on the government of the United States to protect them. This added to the difficulties of Mexico. She was obliged to keep a large force, amounting to 4,000 men, in this province, to protect it and protect her own subjects. Nor was it, perhaps, possible to keep this province from becoming part of the United States; the squatters, whether encouraged or not, were spreading themselves over it, and would join them together This state of things could not be allowed to continue with any advantage to this country. It gave encouragement to the United States to interfere with these new States of America. It encouraged disorder in Texas, and destroyed that balance of power among the American States, which was as necessary in America as in Europe. It was of great consequence to this country to observe, that the United

States were slowly acquiring the coasts on both sides of the Gulf of Mexico, and by and by our ships would be unable to enter that gulf without passing under the guns of the United States. The balance of power there would be destroyed, and after extending themselves on one side, the United States would extend themselves on the other, and go beyond the river Saint Lawrence. All these things could be foreseen, and it was time for this country to take steps to put an end to a state of hostility leading to the subversion of our best interests. We ought now to disperse that cloud, which might ultimately burst in a storm to our injury or ruin. When the House considered with attention the state of this country, the ascendancy it had once enjoyed, and still ought to maintain; when it considered the vast commercial interests involved, which the Government was bound to defend; when it considered the rights individuals acquired in that country, and justly acquired, which it was the duty of the Government not to suffer to be impaired; and when it considered the consequences of the contest to ourselves, he thought the House would call on his Majesty's Government to take up the matter, so as to bring it to a speedy conclusion.

Mr. *Baring* said, he was very glad to find the important subject of the new States of South America brought under discussion, though he should rather have seen it come before the House in a substantive form, than be brought on from presenting a petition. He believed that there was no question more important than this to the whole commerce of Great Britain. The country was alive in every part, and busy in petitioning against the West-India Monopoly, the East-India Company's Charter, and various other things; but the subject then before the House exceeded in importance all these questions in reference to the commerce of the country. It was impossible to overstate the consequences of this subject to the best interests of this country. It had been stated by his right hon. friend, and in that he concurred, that the interests of this country were involved in maintaining the independence of the new States of America. The probability, as had been stated, that Great Britain might not have free access to the Gulf of Mexico, unless a balance of power were preserved in that part of the world, was sufficient to rouse the attention of the Government, and he was glad to hear from the right hon. Gentleman, that the subject had occupied the serious attention of his Majesty's Ministers. It was impossible, even in the widest speculations, to foresee all the vast importance of America to Europe. In particular, it was necessary to advert to the two great families—the Anglo-American and the Spaniards, the two governments, the United States, and those of the New American States, which seemed destined to divide the Continent between them. It was not possible that the Mexicans could increase in prosperity as they ought, or obtain that security which was so desirable, as long as they were threatened by an invasion from the mother country. The right hon. Gentleman was bound by his situation to speak in terms of courtesy towards great Powers: it was consequently natural that he should express confidence in the honourable assurances received from the United States; but when he (Mr. Baring) reflected on the American character for creeping on to power by the specious means of settlements in all the wilderness which surrounded them, he feared that it might not be in the power of Presidents or Acts of Congress to check the irruption of the Americans into the new States, without some better security than assurances. He heard with great pleasure, therefore, the right hon. Gentleman's declaration, that there never was a period when we might anticipate with greater probability a satisfactory settlement of these important questions.

Sir *R. Peel* interposed to explain, that the hon. Member had misunderstood him. What he said was, that there never was a time when Spain and this country were on more friendly terms than at present. From this circumstance he inferred the greater probability of a satisfactory settlement.

Mr. *A. Baring* proceeded to say, that he should not have risen to trouble the House, except for the purpose of enforcing the great importance of this subject, with which the mass of the country gentlemen were but little acquainted. If, however, they would cast their eyes over the exports of this country, they would see at once that the new States of America consumed our manufactures to the amount of 9,000,000*l.* official value, or three times as much, nearly, as Russia, Prussia, Norway, Sweden, Denmark, France and Portugal together, which only took from us about 3,220,000*l.* per annum. The United States of North America, which we had long looked to as the chief source of our extensive trade, the tariffs of which we dreaded as taking the bread from our people—the United States of North America only took from us 6,000,000*l.*, while exports to the amount of 9,000,000*l.* went to the new States. It was manifestly our interest, under these circumstances, to encourage their prosperity, and increase their power of consumption. There was no chance that they would ever prove our rivals in naval power, and in manufacturing industry they certainly could not be able to rival us for a century. Our own colonies, as soon as they attained to any degree of prosperity, immediately began to manufacture for themselves, and it was therefore the more desirable that we should preserve and extend our trade where it had already proved so advantageous. The Brazils, which were in a state of quiet, as well as in the enjoyment of a good constitution, took 6,000,000*l.* of our productions; Chili, which was also in a state of quiet, took 1,100,000*l.* while Mexico, with resources equal to the Brazils took only 400,000*l.*; and Colombia only 540,000*l.* Mexico was one of the richest, and Chili one of the poorest of the new States. The truth was, that Mexico and Colombia were pressed and squeezed to death in order to maintain an unnatural military force. British merchants were plundered of their property, and the people were forced to continue in that lawless state which precluded the growth of rational institutions, and marred the civil interests of society. Gentlemen, moreover, were not aware of the general fertility of the mines of the precious metals in Mexico, although the information was both interesting and important. This might be best illustrated by the fact, that a single mine, worked by British labour, and in the hands of British subjects, produced in one year more silver than was raised in all Europe within the same period. According to the estimate of Baron Humboldt, the produce of all Europe amounted to 233,000 marks; while that of one Mexican mine came to 235,000 marks. It was truly a hardship to the people of this country who had embarked their capital, industry, and enterprise, in mining and commercial pursuits in Mexico, should be left without protection. Their property was increasing every year in value and importance. The question then remained, whether Government should interfere to prevent the expeditions of Spain. Certainly there was no duty more imperative on a government than to protect the property of its subjects, and our Government should at least, therefore, call on Spain, to lay aside its threats of invasion. He thought the case should forthwith be met by a frank declaration to Spain, that interests had grown up which would render it imperative on Great Britain to prevent the future commission of hostilities on the part of the Spanish government. In 1779, had not Spain remonstrated with us on the subject of our North American colonies, and stated, that we had no chance of recovering them, declaring that she had interests at stake which rendered her continuing to observe a neutrality impossible? Did her interference rest there? Was it not followed up by immediate war? And yet how could the interests of Spain then be compared with those which we had now at stake in Mexico. England had ten times as much reason now to remonstrate with Spain, as Spain had then to remonstrate with England, and follow up her remonstrances by war. There was another part of the subject to which he would briefly advert. The right hon. Gentleman stated, that no compulsion or threats had been used towards the Mexicans and Colombians; that we had not even directly interfered to prevent them from sending their expedition against Cuba. He would not discuss the meaning of a diplomatic phrase, but there were many forms of diplomatic language such as "we shall see with dissatisfaction." "His Majesty will see with displeasure"—which signified something like a threat, and he had no doubt that some of them had been used. There might be no document of this kind at the Foreign Office: but when all the envoys of these countries, General Michelena, and others, understood that such a prohibition was meant by the Government, there could be no doubt that some of the forms of diplomatic language he had alluded to had been used; it was likely that the minister of Colombia, when he was asked by the President of the

United States, if Colombia was going to send an expedition to Cuba, and when he pressed him on it, it was likely that he should say he knew nothing about it. But that expedition was a matter of great notoriety. It was intended to liberate the slaves of Cuba, and was planned with that view. It was commanded by a black General, and some of the regiments consisted of black troops. When the United States had so many blacks in its own dominions, it was not surprising that it should look at that expedition with alarm, and take measures to prevent it. Nor should he have thought if our Government, looking to the island of Jamaica, had taken a similar step, or if Mr. Canning had expressed his dissatisfaction in the strongest form of diplomatic language, that we had acted improperly. The hon. Member concluded by apologising to the House for troubling it with so many observations, after the clear and able statement of his right hon. friend, which he should not have done had he not been aware that the subject was of great importance to the industry, the commerce, and political greatness of this country. It was not to Greece, or the Banks of the Danube—not to the shores of the Bosphorus, or the frontiers of Russia, that the people of this country ought to look, but to America. Learned men and travellers might turn delighted to Athens or Sparta, but the industrious and manufacturing classes of this country would look for their prosperity to the new States of America. If they were protected in their independence, they would be to us a source of wealth; but if they were not protected, or better protected than they had been, it was certain that they could not make that progress which would develope their resources and our own.

Lord *J. Russell* admitted, that the right hon. Gentleman (Sir R. Peel) had clearly established the fact that this country was not under an obligation to interfere, as far as the declarations of Mr. Canning were concerned. There could be no question that an armament fitted out by Colombia, composed of blacks, officered by blacks, and bearing a proclamation which called on the slave-population of Cuba to rise against their masters, was one which the Government of this country could not view with indifference, and that Mr. Canning consulted the interests of England, when he declared that we could not view its departure from the ports of Colombia without displeasure. There was, however, no express prohibition, and therefore, as far as the honour of this country is concerned in preventing the invasion of Cuba by the South Americans, or of South America by the Spaniards of Cuba, the case falls to the ground. The hon. member for Callington (Mr. A. Baring), who had formerly been such an enemy to all interference, seemed to have suddenly changed his opinions, and to think that we could not interfere too soon. That hon. Member grounded his argument for interference on the strength of the very great importance of the trade of these countries to England; but he apprehended that it would be no good reason for our going to war with Spain, to tell her that we must do so because this country sent a great quantity of its manufactures to Mexico. In his opinion we had no ground for that interference, but there was just ground for strong remonstrance; and as Spain had now a government the most reasonable which that country had seen for years, there was a great probability of those remonstrances proving successful.

Mr. Alderman *Thompson* said, that if the merchants of London had not pressed the case on the attention of the Government by petition, like their brethren of Liverpool, it was not because they did not feel less sensibly the evils of the present situation of affairs, and the strong and urgent necessity of some immediate interference on the part of this country. They had not, however, been wholly silent—they had repeatedly pressed the case on the attention of his Majesty's Ministers, and they received repeated assurances that Spain had been urged to come to an arrangement on the subject. That they were not inattentive to the state of those provinces of South America might be gathered from the circumstance, that there were at least twenty-six millions of the capital of British merchants embarked at this moment in the trade of those countries, and dependent on their welfare. It was well known, indeed, that the merchants of this country had no better market for their goods, and that there was no better remunerating trade than that carried on with Mexico. He rejoiced, therefore, in the prospect of something being done to put an end to the interference of Mexico with Cuba, or of Cuba with Mexico, for nothing could be more pernicious to British interests than the degree of doubt and hesitation which every now and then hung over the prospects of the independence of the new States of America. It was no uncommon thing for ships to be stopped for months, when freighted for those countries, because the owners of the cargoes knew not what might be the result of some threatened expedition. It was therefore an object of great interest for merchants that this state of things should be put an end to, and he, as well as all those engaged in trade, were under great obligations to the right hon. Gentleman for the able and conclusive manner in which he had brought the question under the consideration of the House and the Government.

Mr. *Bright* also complimented the right hon. Gentleman on the statesmanlike manner in which he had explained the course of policy this country was bound to follow with reference to the South American States, and expressed his conviction, that if remonstrance failed, we were bound to go to war to prevent the continuance of that system which Spain and America were pursuing. He was convinced, indeed, that if the States of North America were not stopped in their course of aggrandizement, that they would soon absorb the whole of South America. Mexico, it should be recollected, was of the greatest importance to this country. It was the great fountain of mineral wealth; and when it was remembered how materially the supply of the precious metals affected the prices of all commodities, he thought the advantage of preserving that country could not be too highly estimated.

The Petition read.

Mr. *Huskisson*, in moving that it be printed, took occasion to express the pleasure with which he listened to the language of his right hon. friend (Sir R. Peel), with respect to these States; and declared his cordial concurrence in all that he had uttered. Referring to the letter which Mr. Canning had written to Mr. Dawkins, when he set out to attend the Congress of Panama, he was quite ready to admit according to its language that he had laid no express interdict on the invasion of Cuba, by Mexico and Colombia; but yet it was impossible for any one who knew anything of diplomatic expressions to be ignorant of the meaning which must be attached to the declaration, that the Government viewed with pain and regret the nature of the meditated invasion, and that it could not view with indifference the consequences of that attack. All this was well understood by those who heard it; and that it was well understood by the governments of Mexico and Colombia there could not be the slightest doubt. They knew well, that if they persisted in the invasion of Cuba, they would run the risk of losing the friendship of England, whose interests, they were told, would be deeply affected. They felt, moreover, the importance of that friendship, and the necessity of securing the countenance of Mr. Canning, who had been one of the first to take them by the hand, when they succeeded in their struggle with the mother country; and he would say again, that but for the interposition of England, Cuba would have been conquered at that time by an expedition from Colombia and Mexico. He could not, indeed, avoid praising the forbearance those States had displayed on that occasion, in abandoning one of the proudest conquests which any country could have made, and one of the richest prizes which any people could desire to seize. The Government of this country did not actually come under an obligation, that it would not permit Spain to invade Mexico from Cuba; but it became, in some degree, its duty to take care that Mexico did not suffer for its assent to the wishes of this country. The hon. member for Callington had referred to the exports from England to those countries, as far exceeding those to all the New World besides. The hon. Member had, however, taken an erroneous view of the difference between the value of the exports to the North American States, and of those to South America. It was true, that the exports to North America amounted to six millions and a half, but, it ought to be recollected, that of this six millions, nearly one-half were afterwards re-exported by the United States to South America; so that, in fact, the goods were sent there merely as a place of transit to Mexico and Colombia. It was not one of the least of the disadvantages of the numerous changes which were daily taking place, that the Americans had it in their power to watch the times when trade could be carried on with gain, while the merchants of this country, from the greater distance of their situation, were unable to avail themselves of those opportunities which occasionally presented themselves. Under the circumstances in which they were placed, he thought the Government ought to exercise its paramount influence to put an end to aggressions on both sides. His right hon. friend had adverted to the course pursued by Spain in 1779, when she recommended us to make peace with our colonies, and went to war with us because we refused. He would not advise this country to go to war with Spain for the same reason, but he would advise the Government to say to Spain, "We recommend to you to take the course which we regret we did not adopt in 1779, and there is a better reason in your case than there was in ours, because we had fortresses in our hands, and the power to carry on the war at the time we made peace, while you have been now seven years without possessing a single strong hold on the Continent of America." He was satisfied that this was the only course left to Spain, and that it was only by abandoning her claims on the colonies she could hope to maintain a situation among European Powers, and to keep possession of Cuba, one of the richest islands appertaining to any country. He thought it was time, too, that a termination of these acts of aggression should take place, for the better understanding of the relative position of those countries with North America; for in spite of all the disavowals in Congress and elsewhere, he was satisfied that the acquisition of the province of Texas was meditated by the United States. He knew this from more quarters than one. It had been declared in that country, that they would allow their people to advance gradually into the Texas, and when they had so advanced, that they would throw over them the panoply of their Constitution. Now, he was one of those who wished the borders of the United States to extend no further. He wished to see the government of North America confining itself to promote the happiness of those people who are spread over the immense territory it already possesses, without seeking to aggrandize itself by new acquisitions; and he deprecated the weakness or the indifference which would, by avoiding to do justice to other countries, allow it to extend the panoply of its Constitution over the whole Continent of America.

Petition to be printed.

FRAUDS IN SOLICITING PRIVATE BILLS.] Mr. *Benson* said, that since he had given his notice upon this subject, a Petition had been presented by a noble Lord from Mr. Thomas Eyre Lee, praying to be heard at the Bar, in defence of his conduct. He had not the slightest feeling of hostility towards Mr. Lee—on the contrary, he was anxious that that gentleman should have every facility afforded him for explanation, and therefore, if the rules of the House would permit Mr. Lee to be heard at the Bar, he should certainly not object to it. The hon. Gentleman then proceeded shortly to state the circumstances of the case. In all great undertakings, like that of the London and Birmingham Canal, the usual course was, to convene the great landed proprietors who were interested in those undertakings, in order that they might make such arrangements as would be most beneficial to all the parties concerned. Of the project under notice, however, a single individual appeared to have been the main, if not the sole spring. Having originated the undertaking, and having promulgated a list of subscribers to it, some of the persons who were more immediately interested in the affair inquired into it, and discovered that of the individuals whose names were set down as subscribers, many were unable even to pay the deposit upon their shares. In the petition which had been presented by the noble Lord, Mr. Lee stated, that he was not aware of any charge of that nature against him until the petition of the complainants was presented on the 11th of March. Now the fact was, that he (Mr. Benson) had himself apprised Mr. Lee of the charge in the committee on the 22nd of February, and again on the 3rd of March. A more impudent attempt had never been made, to foist a list of fictitious subscribers on the House. In support of this statement the hon. Member quoted at considerable length the evidence in the Report from the committee on the petitions respecting the non-compliance with the Standing Orders relative to the Bill in question, by which, among other facts, it was proved that several of the alleged subscribers to the Bill were common porters at the Stock Exchange. Having thus shown the grounds of his Motion, the hon. Member concluded by moving in substance—"That Mr. Thomas Eyre Lee, the Solicitor to the London and Birmingham Junction Canal Bill, having given in a list of the subscribers to the undertaking, and having afterwards attested the truth of that list before the Committee on the Bill; and it appearing, by evidence taken before the Committee to whom the several Petitions complaining that the Standing Orders of the House had not been complied with respecting that Bill that the said list of subscribers was false and fictitious, and had been culpably deposited by the said Mr. Thomas Eyre Lee, that the said Mr. Thomas Eyre Lee had thereby been guilty of a breach of the privileges of the House, and that for that offence he should be called to the bar and reprimanded."

Mr. *Speaker* suggested that, in the first instance the Order of the Day should be read for the further consideration of the Report of the Committee.

The Order of the Day was read accordingly.

Lord *Clive* then rose, and said, that in deference to the opinion of those whom he had consulted on the subject, he would vary the terms of the Motion of which he had given notice, and instead of moving that Mr. Lee be heard by his Counsel, he would move that he be heard in person; and he would therefore now move, that Mr. Thomas Eyre Lee be called to the Bar for that purpose.

Motion agreed to; and on Mr. Lee's appearance at the Bar,

Mr. *Speaker* informed him that the House had resolved he should be heard on the subject matter of his Petition.

[Mr. Lee expressed himself much indebted to the House for its indulgence. He proceeded to read his Petition, represented the great advantages which the canal in question was calculated to produce, and maintained that the Standing Orders of the House had been complied with, as regarded delivering in an estimate of the expense, an account of the assets, and a list of the subscribers. He was sorry if it had turned out that some of the subscribers were unable to pay their subscriptions, but he contended that he was not responsible for that circumstance. The whole case against him rested on the evidence of a person of the name of Stokes, whom he had never seen, and who described in his evidence several subscribers as unable to pay their subscriptions who were highly respectable and substantial persons. As to any fictitious names, he (Mr. Lee) knew nothing of them; they had been made use of without his knowledge. If there had been any forgery or fraud on the subject, he was entirely innocent of it. The course which he had pursued was exactly that which it was usual for solicitors to pursue with respect to such bills. He was totally unaware of any act of his own, or of any connivance of his at the act of any other individual, the tendency of which was to violate the privileges of that House. If any such act had occurred, he was himself the dupe of the person by whom it had been committed. For himself, he had never put down the name of a single subscriber to the undertaking whom he did not know or believe to be capable of paying much more than the sum attached to his name.]

Mr. Lee having finished his defence, was ordered to withdraw.

Mr. *Benson* contended, that nothing which Mr. Lee had said had altered the case, and he moved "That Thomas Eyre Lee, Solicitor of the London and Birmingham Canal, had deposited in the Private Bill-office of that House a list of subscribers to that Canal, and which list had been attested by him, and that the said list was false and culpably deposited; that Mr. Lee had therein been guilty of a breach of the privileges of this House, and that he be called to the bar of the House and reprimanded."

Lord *Clive* contended, that the error of Mr. Lee had arisen from the laxity with which the Standing Orders of the House were attended to, and as a measure was to be brought forward, in order to prevent a recurrence of the practice, he did not see any necessity of pressing a vote of censure.

Colonel *Peel* observed, that the committee, of which he was a member, was perfectly justified in the two first clauses of its Report, which stated that the subscription-list had been fraudulently made out and deposited. The question was, how far Mr. Lee was culpable. This list was attested by Mr. Lee on the 23rd of February. On the 9th of February Mr. Lee had been fully warned of the incorrectness of the List. On the 10th of February Mr. Morgan had showed him that the names on the list were fraudulent; and on the 22nd of February, the day before he attested that list, he had said, "I shall soon ascertain whether the persons on that list are proper persons or not." Before the committee he had been warned by the hon. member for Stafford, that the list was not correct, and in spite of all this he would attest it. Mr. Lee was seeking by this Bill to interfere with the property of others. This Bill appointed no directors, no committee, nor any other manager than Mr. Lee, and yet he grounded his defence upon his ignorance of the list which he brought forward in order to obtain the Bill.

Mr. Alderman *Waithman* maintained, that the question was of a serious nature, and concerned the character of the House and the interest as well as the morality of the public. Mr. Lee had made a defence upon the ground of his ignorance, and yet he was the person who introduced the question, and he came forward as a responsible person for a projected company which was to raise on the public 450,000*l.* He could not believe that Mr. Lee was not aware of the plan to raise money by fraudulent pretences. The broker for the Bill was connected in the transaction with Moses Levi, who had been transported about twelve years ago. He would not call this the most atrocious case of the sort, for he had known a hundred as bad, and had his motion been successful, he could have implicated in similar transactions some scores of Members of Parliament, who could not afterwards have kept their seats.

Mr. *Harvey* said, it had been whispered, rather than stated, that he had shewn a more than usual degree of activity in the part he had taken in this committee, of which he had accidentally become a member. He appealed to the committee whether that insinuation were true, and whether he had exhibited an uncommon degree of recollection of what had passed on a previous occasion when Mr. Lee himself had been a petitioner to this House. The question before the House was, not whether this company was or was not a bubble company, but whether Mr. Lee was acquainted with the fact of its being so before the 11th of March. That was the question put by Mr. Lee himself, who denied that he knew before that time that any person in that list was either unable or unwilling to make up his subscription. Now, in answer to that, he (Mr. Harvey) thought he could show that Mr. Lee was conversant with the character of that list before the 20th of February. On the 10th of February, the active author of the company, Mr. Levi, was dead, and at that time, in consequence of being informed of that fact, Mr. Lee went to the house of a Mr. Robson, and then he was told that there were some names in the list of a character that would not bear scrutiny. On the 18th, Mr. Morgan, a gentleman of the highest respectability, and a broker on the Stock Exchange, stated to him, that there were no persons of known eminence in the city among the names on the list; and yet, on the 22nd, after all this had passed, Mr. Lee appeared before the committee, and authenticated the list.—Mr. Lee was admonished in the committee, that there were reasons to doubt the character of the list; yet, in defiance of that admonition, he testified to the character and fitness of the persons in the list. The list was, indeed, one which, in itself, ought to have awakened the suspicions of a man of business. There were, for instance, sixteen persons applying for 137 shares, all of whose letters were dated from one house—namely, No. 8, Capel court, Stock Exchange — where resided a dealer in oranges and oysters, who himself was a subscriber for shares of the value of 5,000*l.* After all these circumstances, he thought it was impossible to doubt that the question of knowledge, on which Mr. Lee had put the assertion of his innocence, must be decided against him, and that the House must believe him to have been guilty of a breach of a Standing Order in having given in and authenticated a list of persons who were in reality not able to discharge the liabilities they had undertaken.

Sir *J. Wrottesley* said, that the voluminous evidence taken before the committee was more calculated to mislead than to enlighten the House, and putting the question on the same point as the hon. Member who had just sat down, he came to a directly opposite conclusion. The hon. Baronet read the evidence of a person named Kendall, who began by stating, that Mr. Lee had promised him the office of private secretary to the Company, and who then went on to speak to conversation between himself and Mr. Lee, which, he said, had occurred in the presence of Mr. Robson. Now, in the first place, Mr. Robson had not been called to confirm these statements, and in the next, Kendall's evidence was totally incredible, because he spoke of having been promised an office which never existed in a canal company, and if he meant by secretary, the official manager of the company, he spoke of an office which Mr. Lee intended to retain himself, and could never, therefore, have promised to give away to another. Such a mode of swearing was enough to destroy the testimony of any man. [*Here a considerable interruption occurred, and the hon. Baronet, turning sharply round, demanded*]—Whether Mr. Lee was to be attacked and not defended? Whether he was to be accused, and the answer to the accusation was not to be heard? He had hoped he was in the society of Gentlemen. He was happy to find, in the mass of trash presented by the evidence before the committee, the name of one individual at least who was universally admitted to be a man of honour. He alluded to Mr. Morgan. That gentleman, speaking of Mr. Levi, had said, that he himself, after Mr. Levi's death, had paid 90,000*l*. on his account—a fact which showed that, as far as he was concerned, he was not likely to have been a bubble shareholder. Mr. Morgan had then said, "nothing could be more fair than the conduct of Mr. Lee when I stated my disappointment at the names I saw in the list." Surely the conduct of a man who was fraudulently getting up a bubble company would not have deserved such a commendation. But now came a strong fact in favour of Mr. Lee. The list was deposited on the 19th of February, and Mr. Lee did not see Mr. Morgan, to become acquainted with his disappointment in the names it contained, till the 20th; and when Mr. Lee deposited the list, he produced all the letters on which shares had been demanded. Surely in doing so he had done enough. If the House now censured Mr. Lee, they must say that every solicitor must, in future, investigate the property and substance of every man who puts his name down to a list of this kind. That had not as yet been their practice. It was not their practice in 1825, when more than thirty bubble companies had been formed, and yet no one of the members, contrivers, or supporters of those companies had been brought before that House. But he could not call that a bubble company which had for its object to establish a communication between London and Liverpool, and which came recommended by the scientific knowledge of Mr. Telford. Mr. Lee might have been the dupe of others, but he had practised no fraud himself; he had received no scrip; he had done nothing which fastened the imputation of fraud on him. The House could hardly suppose, too, that that was a bubble company to which the noble Viscount opposite, and Sir Edw. Kynaston, had both allowed their names to be put down as members of the committee. With these observations he should leave in their hands the character of a man who, from his past life, was most unlikely to have been guilty of any act that would in the least degrade and dishonour him.

Mr. *Slaney* said, the question really was, whether Mr. Eyre Lee had a guilty knowledge of these transactions which had been blamed by the Committee? He thought he had not, and he came to this conclusion after a detailed examination of the evidence, and particularly that of Mr. Kendal. He did not consider Mr. Kendal worthy of credit, and he remarked that he had been exasperated by Mr. Lee's refusing him 15*l*. He admitted there was a want of caution in Mr. Lee, and something of even a culpable negligence, but he asked why this gentleman should be punished for an inadvertence as if it were a crime? He was decidedly of opinion that Mr. Lee did not deserve the reprimand of the House.

Mr. *Fyler* concurred in the views and opinions of the hon. Member who had last spoken.

Sir *Henry Parnell* contended, it was not right to treat this canal speculation as a bubble scheme; and that he did not think it was the intention of the committee to pass such a resolution as might induce the House to decide upon severely reprimanding Mr. E. Lee. The character of Mr. Lee was excellent, and he believed that he was negligent, but not criminal.

Mr. *C. W. Wynn* said, Mr. Lee's conduct deserved the censure of the House, although it did not deserve many of the terms which were applied to it. If this gentleman possessed a guilty knowledge of the fallacious nature of this list, the censure of the House would be a poor and inadequate punishment. Offenders like him, were he guilty, should be committed to Newgate, and confined there for a considerable time. He must, however, acquit him of this guilty knowledge, and he considered his offence was not so much in depositing the original list, as in persisting in it after his attention had been drawn to the nature of it. He did not think Mr. Kendal's evidence wholly unworthy of credit, for it was corroborated by other evidence. The House was bound to watch over the correctness of testimony given before a committee, because evidence was frequently given very loosely before this House, where no oath was administered, which the deponents took an opportunity of amending before the other House.—Finally, he was of opinion, that this was a case which called for an admonition, but he was not prepared to say that the House would be justified in any proceeding of a nature more severe.

Mr. *Brougham* said, that if there were anything in the evidence laid before them which could warrant the House in adopting the second resolution, then he had not the slightest difficulty in saying, that merely reprimanding Mr. Eyre Lee would be a very inadequate punishment; but as he was of opinion that the evidence did not justify the House in arriving at the conclusion set forth in that resolution, so he was not one of those who was prepared to say that any punishment beyond an admonition ought to be inflicted; and he was not quite sure that the House ought to go even that length. It should be remembered that the House had not seen any one of the witnesses upon whose testimony it was sought to establish the alleged delinquency of Mr. E. Lee. They must recollect the whole of this testimony was given to them at second hand. He did not mean to deny the power or the right of the House—it was fully supported by precedents — to decide upon evidence taken before another tribunal; but he would beseech of them to pause before they adopted a resolution condemnatory of a gentleman circumstanced as Mr. Eyre Lee was—before they robbed a hitherto respectable professional gentleman of his character, on evidence at least only second hand—not on evidence, but on minutes of evidence taken before a committee. It had frequently been said, that the proceedings in our civil-law courts were most unsatisfactory; and that mode of proceeding was found in Scotland so inconvenient, that it was proposed to adopt the jury system rather than continue the evil of having one court arrive at a decision founded upon testimony given in another. Now in this country it was Parliament alone that received evidence at second hand, and it was, therefore, that he thought Parliament was especially bound to exercise a caution beyond other courts. The resolution charged, that a false and fictitious list had been falsely and culpably deposited and attested by Mr. Eyre Lee. Was that any thing less than a charge of forgery? He thought than Mr. Eyre Lee might, upon no insufficient grounds, be charged with negligence—but of forgery, he believed that no man in that House would get up and deliberately accuse him; and yet no man who to-morrow read that vote, could doubt that it went to impute to him a crime nothing short of that. Forgery was one of the greatest offences he could commit, and the House ought to be prepared to take measures to secure the punishment of that offence; but he presumed even the worthy Alderman was not prepared to go that length. He had no knowledge of Mr. Eyre Lee, except having been employed once against him as counsel in a cause in which Mr. Eyre Lee was a party; but he had made inquiry respecting him in the profession, and from what he learned of him from gentlemen connected with the Midland Circuit, he was enabled to say, that he was a man of most excellent character; and those testimonials to his character were the less suspicious, as Mr. Eyre Lee was under accusation at the time. Now, where conduct was doubtful, character ought to have its due weight. His opinion was, that the conduct of Mr. Eyre Lee partook of negligence, but that he put in that list without any guilty knowledge. Had he known it to have been a false and fictitious list, he would have found that the delivery of it must have led to the destruction of the scheme, and he was interested in the success of the canal. Upon these grounds, he did not think that the conduct of this gentleman called for any severe censure, considering that all he could be justly charged with was mere negligence. As to the philippic pronounced by the worthy Alderman, and justly pronounced against bubble companies, it did not apply to the present case, for this was not a bubble company. He trusted, then, that the House, for the sake of its own credit, would not run down the character of a professional gentleman, where a sufficient case had not been made out against him.

Mr. *John Williams* observed, there was no denying that the gentleman in question had been guilty of hasty, inadvertent, and improvident answering, and that was what the House could not overlook—yet, if the second resolution were true, the House should not content itself with a reprimand, but should direct the Attorney General to prosecute. He was far, however, from thinking that anything like that had been established, and therefore he should move, as an Amendment to that second Resolution, "That Thomas Eyre Lee be called to the bar of that House, and reprimanded for (after having been deliberately questioned and cautioned) undertaking to answer for the correctness of a list which turned out afterwards to be incorrect, and which he ought to have examined—that he had, therefore, been guilty of haste, inadvertence, and impropriety."

Mr. Lawley supported the Motion.

Mr. *O'Connell* did not consider that wilful falsehood had been established against Mr. Lee, but he thought him guilty of culpable neglect, not of innocent neglect. He said the list was a correct list, without knowing it to be so, when it was his business to possess that knowledge.

Sir *Robert Peel* said, that though the neglect was culpable, yet, as the resolution coupled the neglect with falsehood, he should be averse from pronouncing a condemnation of that nature upon a gentleman against whom no falsehood had been proved. There seemed to be a general disposition to acquit Mr. Eyre Lee of the intended and wilful falsehood; and, therefore, he (Sir R. Peel) should acquiesce in the qualified censure, as not imputing guilty knowledge.

Colonel *Davies* thought Mr. Eyre Lee ought to be severely reprimanded. He had connected himself with a person of notoriously bad character.

Mr. *John Wood* said, a noble Lord, high in office, was in correspondence with that very individual who had been described of notoriously bad character to whom the last speaker alluded, and received from him several presents and wrote him friendly letters, three of which he (Mr. W.) then had in his possession; so that Mr. Eyre Lee was not the only person deceived in the character of Mr. Moses Levi. There were in this matter three degrees of guilt: first, the concoctors of the scheme; second, those by whom it was adopted when abandoned by its authors; third, but at a great distance, came Mr. Eyre Lee, who was imposed on by the other parties. It was originally not a bubble company —that was evident; and Mr. Eyre Lee, instead of a severe reprimand, might, he thought, be dismissed with an admonition, for others were more guilty than he was.

After considerable conversation, embracing a variety of verbal amendments, the following Resolutions were agreed to:—

"That it appears by the Minutes of Evidence before the Committee to which this subject was referred, that the subscription-list was a false and fictitious list.

"That Thomas Eyre Lee, though warned as to the suspicious character of the said list, did nevertheless, as agent to the Bill, attest its truth, without due inquiry into the circumstances to which his attention had been specially directed.

"That the said Thomas Eyre Lee, for the said offence, be called to the bar of this House, and reprimanded by Mr. Speaker."

[Mr. Thomas Eyre Lee was accordingly called to the bar, and having been reprimanded by the Speaker, was discharged.]

HOUSE OF LORDS,

Friday, May 21.

MINUTES.] Petitions presented. Against the imposition of any additional Duty on Corn Spirits, by the Earl of HARDWICKE, from the County of Wigton:—By the Earl of CLARE, from the County of Limerick; and also from the Mayor and Citizens of the Town of Limerick:—And by the Duke of DEVONSHIRE, from the Mayor and Citizens of Waterford. By Earl GROSVENOR, from the High Sheriff and Grand Jury of the County of Flint, against the Welch Judicature Bill; and from Liverpool, against the present mode of levying Assessed Taxes. For the Abolition of Slavery, by the Earl of WILTON, from the Protestant Dissenters of Heckmondwicke in Yorkshire:—By Lord HOLLAND, from the Protestant Dissenters of Stroud, Charlton, Great Driffield, Kirbymoorside, Thirsk, and Wakefield:—And by Lord WHARNCLIFFE, from the Protestant Dissenters of Leeds. For a repeal of the Stamp Duties on Newspapers, by Lord HOLLAND, from the Literary and Scientific Institution of the City of London; and from the Journeymen Letter-press Printers of Liverpool. By the Marquis of SALISBURY, from Hoddesdon, for the Abolition of Death as the Punishment of Forgery. By the Earl of BROWNLOW, from the Publicans of Old and New Sleaford, against the Beer Bill.

CONSCIENTIOUS SCRUPLES OF THE MILITARY.] The Earl of *Winchilsea* said, that in presenting a Petition from the Loyal Free Barons of the Town and Port of Dover, complaining of the cruel situation in which Protestant Officers and Soldiers were placed in being compelled upon foreign stations to join in the superstitious rites of the Greek and Roman Catholic Church, he would take the opportunity of asking the noble Duke opposite, whether it was the intention of Government to issue an order giving the relief sought for by the petitioners.

The Duke of *Wellington.*—Until the petition is read, I cannot tell what that relief is, On the Petition being read,

The Duke of *Wellington* observed, that he certainly could not say that Government had given any order to put an end to the military practices complained of in the Petition. There were many statements in the Petition which he knew to be untrue, more particularly that which declared that Pagans and others did not attend on the ceremonies of the Protestant Church of England. That attendance he had himself witnessed.

The Earl of *Winchilsea* did not mean to conceal from the House, that this petition was founded upon circumstances which had come out upon a recent court-martial. He would not enter, at present, into the merits of that court-martial, nor would he say one word upon its judgment. He had, however, a sincere hope that Protestants would be placed forthwith upon an equality with their Catholic fellow-subjects who were not compelled to participate in, nor be present at, any ceremonies of the Church of England, which were repugnant to their feelings. Attendance at ceremonies of the Greek or Roman Catholic Church must necessarily be repugnant to the feelings of any man who conscientiously professed the Protestant religion. He hoped that some measure would be speedily adopted to relieve the scruples of tender consciences.

SUITS IN EQUITY BILL.] The Lord Chancellor moved the Order of the Day for the third reading of this Bill.

The Earl of *Eldon* said, that though this Bill had been already read a second time, and had gone through a committee, he had not been able to attend on either of those occasions; but he must add, that his absence was entirely his own fault, and not at all attributable to the noble and learned Lord who had introduced the Bill, who had given him due notice of the several stages of its progress. His opinions with regard to it might be brought into a narrow compass, but he should not at present enter upon a detail of them, as he trusted that the third reading of the Bill would be postponed for some days longer. He thought the Lord Chancellor had judged very rightly in not pressing at an earlier period the third reading of this Bill. He was of opinion, that their Lordships should not decide finally upon this Bill without first knowing what would be done with a great many other bills which were in progress in another place, and which bore upon the question of the general administration of justice. The Bill under their Lordships' consideration might be right if it were accompanied with those measures, or it might be wrong if it were not. He entertained a strong opinion on the subject, but he should not wish to state his opinion on the present occasion. He should feel obliged indeed if the third reading could be postponed to a future day. He was confident that their Lordships would give him credit for not being influenced by any other feeling with respect to this Bill, but by a desire that every due regard should be had to the administration of justice, as well in that House as in the Courts of Westminster-hall. He understood, in a conversation with the Lord Chancellor on a former occasion, that he should feel obliged for any information which he could afford on the subject. He could assure the noble Lord that he was desirous to meet his communication in a proper and friendly manner. He should be glad to communicate with the noble and learned Lord, or any other noble Lord, for that purpose, before the discussion should be had upon the third reading of the Bill, and he should be ready to give him all the assistance in his power. He repeated his hope that this Bill would not be passed until they knew what was done with the other bills elsewhere. If the noble and learned Lord complied with his request, he should reserve his observations until that occasion.

The *Lord Chancellor* said, he had taken care to have the usual notices sent to the noble and learned Lord of the second reading of this Bill, and of the committal of it. The noble and learned Lord's absence he understood had been accidental, and the noble Lord only did him justice in stating that it was not attributable to any fault of his. He should feel extremely happy indeed in communicating with the noble and learned Lord on the subject, as he was of opinion that there was not an individual in the country who was more capable of giving sound and wholesome advice with regard to every thing connected with the administration of justice, both in the Court of Chancery and in that House, than the noble and learned Lord. As the noble Lord had stated that he would communicate with him in private on the subject, he should not think that he was doing justice to himself, to their Lordships, or to the country, if he did not at once meet the proposition of the noble Lord in the spirit in which it was made. He should be most happy to avail himself of that assistance which the noble and learned Lord had so kindly offered. He would therefore propose, that the third reading should take place on Monday next, or on Tuesday, if that would better suit the noble and learned Lord. He was very anxious that it should be fixed for an early day, for the purpose of giving effect as soon as possible to this and the corresponding measures to which allusion had been made, and which he believed in his conscience, after all the inquiry which had been made, were absolutely requisite for the due administration of justice in this country.

Order of the Day discharged, and the third reading of the Bill fixed for Tuesday next.

Their Lordships proceeded with the examination of witnesses in the East Retford case.

HOUSE OF COMMONS,

Friday, May 21.

MINUTES.] Mr. W. HORTON brought in a Bill to direct certain Returns to be made to Parliament from Parishes in England and Wales, and to enable Parishes to raise Money for certain purposes therein set forth upon terminable annuities charged in their Poor-rates. The CHANCELLOR of the EXCHEQUER brought in a Bill to Repeal so much of the 60 Geo. III. as related to the Sentence of Banishment for the second offence of Libel, and to provide other remedies against the punishment of Libel.

Returns ordered. On the Motion of Mr. R. GORDON, Fees received by Persons holding Offices in the Court of Exchequer in 1829, except those filling judicial offices, the Names of the Parties, and the aggregate amount of the Fees:—The nine items of charge for Printing for the Chief Secretary of Ireland, at Dublin Castle, from the 5th of January, 1829, to the 5th of January, 1830:—The Sums necessary to pay the Expense of the Record Commission, Ireland:—On the Motion of Mr. HUME, the Names and Emoluments of the Individuals holding Situations in the Court of Chancery.

Petitions presented. Against giving Poor-Laws to Ireland, by General ARCHDALL, from the Landowners of Fermanagh:—By Mr. SANDERSON, from the Landowners of Cavan. Against the assimilation of Stamp Duties (Ireland), by General ARCHDALL, from the Proprietor of the "Fermanagh Reporter":—By Lord KILLEEN, from the Benevolent Society of Kilkenny. Against the Irish Constabulary Bill, by Sir H. PARNELL, from the Magistrates of Queen's County. By Sir J. WROTTESLEY, from Staffordshire, against Slavery. By Mr. HUSKISSON, from Liverpool, against the House and Window Tax. By the Marquis of CHANDOS, from Buckinghamshire, against the Irish Paupers' Removal Bill. By Mr. CURTEIS, from Wadhurst, Sussex, against the Malt-Tax. By Mr. BELL, from Alnwick, against the Duty on Tobacco. By Lord G. BENTINCK, from Cambridgeshire, against the Beer Bill. By Mr. Alderman THOMPSON, from the Soap Manufacturers of London, against the Excise Duty on Soap. By Sir J. GRAHAM, from certain Magistrates of Cumberland, complaining of the Expense attending the Removal of Scotch Paupers. By Mr. HOBHOUSE, from the Parish of St. James, Westminster, against the Irish and Scotch Pauper Removal Bill. By Sir J. GRAHAM, from certain Inhabitants of the City of Ely, in favour of the Sale of Beer Bill. By Lord STANLEY, from the Journeymen Calico Printers of Lancashire, Cheshire, Derbyshire, Yorkshire, and their vicinity, against the employment of numerous Apprentices, and the extensive use of Machinery. By Mr. R. GRANT, from John Thomas Church, calling for a Revision of the Bankrupt Laws. By Mr. HUME, from the Royal Burgh of Brechin, against the Inventory Duty. By Mr. O'CONNELL, from the Inhabitants of Youghal, of Skibbereen, of Ballyshannon, and of Blamire, in the County of Cork, and from the Inhabitants of St. Paul's and St. Ann's, Shanyan, in the City of Cork, against the Irish Vestries Act. By Mr. RUMBOLD, from Persons engaged in the Herring Fishery at Great Yarmouth, for a continuance of the Fishery Bounties. By Mr. O. CAVE, two Petitions from John Shehan and Francis Horner, complaining of a misappropriation of Funds by the Corporation of Derry.

COMMITTEE OF SUPPLY—FOUR-AND-A-HALF PER CENT DUTIES.] The *Chancellor of the Exchequer* moved the Order of the Day for the House resolving itself into a committee of the whole House, to consider farther of the Supply to be granted to his Majesty.

Mr. *Hume* said, that before the Speaker left the chair, he wished to call the attention of the House to a subject which he felt was of very great importance to the revenue of the country. It appeared to him, that 30,000*l.* a year had been abstracted from the revenue without the knowledge of that House, a proceeding which struck him as being extremely objectionable, inasmuch as that sum was taken under an alleged opinion of the law-officers of the Crown, although for a hundred and seventy years the duties, which were first appropriated within a very recent date in the manner of which he complained, had been regularly paid into the revenue. The subject of the 4½-per-cent duties had been so often discussed in that House, that he would not enter into any detail with respect to them. He thought that they were objectionable in principle, and he, as well as others, had, year after year, endeavoured to get rid of them. They were granted in the time of Charles 2nd, for a particular purpose—namely, to defray the charge of certain repairs and expenses incurred on account of the colonies. On that account, a duty of 4½-per-cent on all produce, principally on sugar, was paid to the Crown. He might truly say that this fund had long before been perverted from its original object, and was appropriated to the payment of pensions and allowances, partly to the governors of the colonies and partly to individuals who were favoured by the

Government, without the authority of that House. Up to a very recent period, the 25th of March 1828, these king's sugars, as they were called, were entered at the Custom-house, and paid the same duty of 27*s.* per cwt. as the sugars of private individuals. They were placed under the care of an officer called "a Husband," who after having paid the regular duties on the sugars, brought the nett amount of the proceeds to the credit of his Majesty's 4½-per-cent fund. This continued until 1828. He had been in the habit of calling for an account of these duties every two or three years, to see whether there remained any surplus; because, a few years ago the House passed a bill, declaring that no more pensions should be charged on this fund, and providing that the surplus, if there were any, should go to the support of the church-establishment in the West Indies. This was a very good change, supposing it to be proper that any thing should be taken from the inhabitants of the colonies. But he thought that the time had come when the impost might be removed; and considering the distress of the colonies, it ought, he conceived, to be a matter of consideration with his Majesty's Government, whether the former manner of appropriating these duties should not cease, and whether they ought not to be applied to those various useful colonial purposes for which they were originally intended? Ministers had, however, taken the most extraordinary view of the case that ever was taken in that House, or any where else. From the earliest institution of this fund,—for no less than a hundred and seventy years,—the rule and practice of the law had been that the sugar thus sent to this country should be subjected to the Customs duty. In 1825 the fund amounted to 33,000*l.*; in 1826, to 29,000*l.*; in 1827, to 22,000*l.* In 1828, contrary to the practice which had existed for a hundred and seventy years, it was declared that the king's sugar was not liable to pay Customs duty, and none had been paid since that time. Then how stood the fund? It appeared that in 1827 it amounted to 22,000*l.*; in 1828, it amounted to 67,000*l.*; and in 1829-30, to 61,000*l.*; being double what it was in 1825. Now, he knew very well that the West-India establishments were not in a thriving condition; that, in fact, they did not pay; that they were losing concerns; when, therefore, that interest was in so unfortunate a situation, was it not a fair subject for consideration whether individuals thus unfairly taxed should not be relieved from such a burthen? It would not be an act of favour towards those persons, but of justice. His great objection in this case was, that Ministers, acting on the authority of the law-officers of the Crown, had assumed to themselves the power of altering a law which had existed for a hundred and seventy years, and paid the whole amount of this impost to the Crown, instead of deducting a certain portion of it for the Customs, as ought to have been done. This matter was suffered to pass in silence during the years 1828 and 1829; no allusion was made to the alteration in the system, though it was illegal, and opposed to the privileges of that House, it being the first and most important principle of the constitution, that Ministers should not appropriate any money without the sanction of the House of Commons. But here they found the amount produced by the sale of a certain quantity of sugar, not expended on the church establishment of the colonies, but handed over to this fund. Ministers had gone further,—they had kept this proceeding a secret from the House; and it was not until he had moved for a certain paper, not expecting such a result as had occurred, that the fact became known. Now there were two results connected with this business. The revenue of Customs was lessened to the amount of 30,000*l.* a year; and the Husband, though he had reduced his charge, as he now had 66,000*l.* to deal with instead of 22,000*l.*, received more than he formerly did. [An hon. Gentleman intimated that the officer did not benefit by it.] At all events, it was clear that the revenue was lessened by the change of system. That House ought, therefore, to know on what ground the law officers of the Crown had given their opinion in favour of this change:—and how far such a proceeding was consistent with the known law and constitution of the country. He had, in 1820, moved for an account of all sums of money which had been received by the Crown (the produce of this fund and other sources) during the reign of the late king. About two months ago he had called for a paper in continuation of that account, and he knew not why it was not yet laid on the table of the House. By the former document, however, it appeared, that the sum of 12,705,000*l.* had, during the late king's reign, been paid to an account over which that House had no control, but over which Ministers claimed a right of control. Of that gross sum about 9,000,000*l.* was derived from droits, and from 1760 to 1820, when the king's demise took place, this fund afforded 2,116,000*l.* He must here be allowed to observe, that the Customs duty on sugar was a most heavy tax. It was exceedingly injurious to the West-India proprietor, and certainly did not benefit the revenue in an equal proportion. If the duty were brought down to 15*s.* or 16*s.* the cwt. as it was at the breaking out of the French war, he was satisfied that the amount of revenue would be equal to what was now received, because the consumption would be very greatly increased. Having stated thus much, he submitted to the House whether it was prepared to vote any money to his Majesty in supply until Ministers laid before Parliament the grounds on which they had thrown into his Majesty's fund such a sum as 30,000*l.* or 40,000*l.* in the two last years. To shew that, he should call for the case laid before the law-officers of the Crown, and for the opinion they had delivered. In consequence of a statement made by the Secretary of the Treasury, that it was not usual to produce such documents, he had made some inquiry into the subject; and in looking over the third report of the committee on foreign trade, he there found an opinion given by the law-officers. In the case of the Bank of England also, which arose out of their being engaged to manage a debt of 600,000,000*l.* or 700,000,000*l.*, at the rate of 400*l.* per million, a question arose in that House whether such an allowance should be made to the Bank or not. The opinion of the law-officers of the Crown was, that the House could not, under the then charter, break that contract; and that opinion was laid before the House. His hon. friend, the member for Bristol, had also examined this point, and had found other cases; so that he had no doubt that the objection was not worthy of the smallest consideration. But he would say, that if no opinion of the law-officers of the Crown had ever been laid before the House, still the grounds which he had advanced were so strong in his view of the matter, that it would fully warrant him in calling for such an opinion on this occasion. The course which Ministers had pursued was dangerous to the Constitution, and injurious to the revenue, and he hoped the Members of that House would strenuously oppose it. He should therefore move for a copy of the case submitted to the law-officers of the Crown, and their opinion given thereupon, respecting the Customs payable on the Sugar imported in discharge of the 4½-per-cent duties.

The *Chancellor of the Exchequer* said, he had no doubt that he should be able to offer a satisfactory explanation on the subject touched on in the hon. Member's speech. Indeed, he thought he might (if he felt so disposed) claim credit for presenting returns of the 4½-per-cent duties, increased considerably in point of amount. It was wrong in the hon. Member to say that the amount was concealed till it came out incidentally upon his motion for papers. The fact was, that accounts were annually laid upon the Table, in which the 4½-per-cent duties formed one of the items, and in those accounts the augmentation had appeared. The hon. Gentleman inquired the reason for deviating from the practice adopted for a great number of years, and argued as if Ministers had robbed the revenue of the country to enrich the revenue of the Crown. He argued as if the management and direction of the 4½-per-cent duties had not undergone a considerable alteration of late years; as if the Crown had not, in point of fact, abandoned its claim to them, and placed them under the control of Parliament. By the Act of the 6th of his present Majesty, it was directed that the salaries of the Bishops and clergy in the West-India islands, should in future be paid out of the 4½-per-cent duties, which were thus devoted to the payment of our colonial governors, bishops and clergy. The sum paid to the bishops and clergy amounted to 25,000*l.* a-year, including salaries and pensions. Whatever might be the merits of this plan, it had not enhanced the patronage of the Crown. It appeared from this statement, that the charge of taking money from the revenue of the country, in order to put it in the power of the Crown, was without foundation. It had occurred to him, that the sugar sent from the West Indies in payment of the 4½-per-cent duties, being Crown property, was not liable to pay Customs duty. It was upon constitutional principles that he had formed this opinion, and in consulting with the law-officers of the Crown, he found his opinion confirmed by that which they entertained on the subject. By applying the rule which the law-advisers of the Crown laid down as the rule of law, he did not divert from the public into the possession of the Crown any part of the fund in question, and, therefore, it appeared to him that in pursuing that course he was adopting a proceeding free from every possible objection. The transaction was extremely simple; he had no disposition to promote the interest of the individual who managed the fund.

Mr. *Baring* said, if the opinion of the legal advisers of the Crown in this case were consonant with law, it was law of such a tendency, and which might be attended with such consequences in a constitutional point of view, as to render it well deserving of the serious consideration of Parliament. The position of the right hon. Gentleman appeared to be this,—that there were sugars belonging to the Crown which were brought to this country from the West-India islands, and which being the property of the Crown, were not liable according to the opinion of the law-officers of the day to pay duty. It was singular enough that nearly two centuries should have passed (during which duty was paid upon these sugars) without this notable discovery of the exemption of Crown sugars from duty having been made. Would his hon. and learned friend (the Attorney General) tell him that the Crown might import into this country merchandise free of duty for sale? Yet this was what the right hon. Gentleman's position amounted to. The principle was the same as in the present case: these sugars were admitted without payment of duty, because they were the property of the Crown. But the Crown might have purchased the sugars; that would not alter the transaction. Was the law to be laid down that the Crown could import any article as merchandise for sale in this country? He had always understood that the exemption of the Crown from the payment of taxes was for the maintenance of the royal dignity. The tax-gatherer was excluded from the palace of the Sovereign, because his entrance would be considered derogatory to the dignity of the Crown. A similar exemption was extended to the ambassadors and ministers of foreign Sovereigns, probably for nearly the same reason. It was true the King might import French wines for his own consumption, free of duty: this was always understood; but the law, as laid down by the right hon. Gentleman, would allow the King to import French wines for sale. These sugars were imported into this country simply for the purpose of sale. He was impatient to hear from his hon. and learned friend (the Attorney General) his notions of the law on the subject. In a constitutional point of view, the position laid down by the Chancellor of the Exchequer was of extreme importance to the country: if the law really were as the right hon. Gentleman had stated, it might be rendered the source of enormous advantage to the Crown, and of correspondent injury to the country.

The *Attorney General* said, there could be no moral or legal doubt that the sugars in question were exempt from duty, as being the property of the Crown. The non-payment of duties by the Crown was amongst the oldest of our law maxims. If hon. Gentlemen would only look into any one act for the imposition of taxes, they would there see that that maxim was uniformly recognised and acted on. Taxes were granted by the Commons to the Crown—they could only be granted off the property of the people—not off the property of the Crown itself. With respect to the Motion of the hon. member for Aberdeen, for the production of the opinions of the law-officers of the day upon the point, he did not see the use of it. Without denying the power of the House of Commons to call for any documents whatever,—for he could suppose a a case in which it might call for a minute of the proceedings of a Cabinet Council, —he must say, it would be rather hard upon the Attorney and Solicitor-general to have their opinions, which were given in confidence to the Government, reviewed and debated in Parliament. In this particular case it could be of no importance to have the opinions of the law-officers of the Crown, and he hoped that a precedent for the production and discussion in the House of Commons of such opinions, might not be established, by agreeing to the present Motion. He could easily conceive a case in which an Attorney-general might not like to have his opinions discussed in Parliament, though this was not such a case. Whatever the hon. Member meant to do, he could accomplish as well upon the information already before him, without calling for these documents. He had delivered his opinion on the subject with great sincerity, and he believed it would be found, that all the twelve Judges in Westminster-hall, if the question were put to them, would concur in his opinion. At the same time he had to state, that the opinion on which the Government had acted had been given, not by him, but by his predecessor.

Mr. *Baring* asked the Attorney General, whether the law went to such an extent, that the Crown could import merchandise for sale free of duty?

The *Attorney General* said, it might be difficult to answer the question in the abstract. The hon. Member must put a case. It was undoubtedly true that, in the time of the Henrys, when our monarchs had possessions and revenues abroad, wines were imported by the Crown free of duty, which might have been, and probably were, imported for sale.

Mr. *Bernal* observed, that the doctrine was strange in practice if not in law, that the Crown might import commodities for sale. It might, then, become a great trader, and ruin all the merchants in the kingdom.

Mr. *Bright* said, he could not but imagine that there was some ulterior view in the alteration made by Ministers. Whether it were to get a larger sum out of the 4½-per-cent fund—a fund which was burthened with debt—whether there were pensions of which Parliament knew nothing charged upon it,—he could not tell, but he confessed the change did appear to him very suspicious. What induced the Chancellor of the Exchequer to take the opinion of the law-officers of the Crown on the subject—what was the right hon. Gentleman's object in mooting an ancient point of law, which had lain hid for a space of 170 years? Certain charges were to be paid out of the proceeds of the 4½-per-cents; but salaries falling in, and the fund being augmented by exempting the sugars from duty, the amount would become so large as to exceed the demands upon it for the support of the church in the West Indies. What became of the surplus? In it Ministers had discovered a fund out of which they might grant new pensions and allowances *ad infinitum.* As to the objections urged to laying upon the Table the opinion of the Attorney and Solicitor General, he saw, almost the moment he looked for them, abundance of precedents to justify such a step. The opinion given with reference to the new duties payable on the occasion of the Union with Ireland —the opinion of the law-officers—was laid before the House. A similar course was also pursued in the case of the Duke of Athol's claim. The opinions of the Attorney and Solicitor General were then justly and properly called for, and should be in the present case. This was a question respecting the Consolidated Fund—it was one having reference to the appropriation of taxes; and he could conceive none more proper in which to demand the advice given by the responsible advisers of the Crown. What was there, he should gladly learn, in the opinion of the Attorney General, that should shield his opinion from the examination of the House? It was observed, that the revenue in question was hardly sufficient for the purposes to which it was applicable; but on that point he would beg leave to observe, that nothing could be more variable than were the produce of West-India estates, and that the income could only be justly estimated upon an average of several years. In 1808 the gross proceeds of the 4½-per-cent duties amounted to 35,000*l.*, the nett proceeds to 16,000*l.* (this was under the old law, and the deduction was partly on account of duties, in part on account of other charges.) In 1809, the gross proceeds were 112,000*l.*, the nett amount 48,000*l.* Thus in one year the Crown might have had the distribution of 35,000*l.*, and in the very next of 112,000*l.* under the present system. One year the fund (which appeared liable to great variation) might be merely sufficient to support the ecclesiastical establishments, and to defray the other charges upon it, yet afford in the next year a great surplus for salaries, pensions, or whatever other uses the Crown should choose to apply it to. This was a matter which demanded inquiry, and justified the strictest jealousy. Here was a case in which the House found the Crown endowing itself with a large revenue, by means of obsolete and forgotten views of fiscal regulations, and the House was accordingly bound to look into the matter most narrowly. The hon. Member then, after adverting to the origin of the *Nullum Tempus* Act, and other great privileges enjoyed by the Crown, proceeded to say, that the present question ought now to be considered with a view to a final arrangement. If the law were, as some hon. Members seemed to say, then he would assert, that the law ought to be altered—if it were doubtful, it ought to be declared. At all events, the matter was of such importance, that the House ought to have the most authentic documents relating to it; and he hoped that his hon. friend (the member for Montrose) would not be satisfied with any thing less than the opinion of the law-officers of the Crown; and whatever that might be, he hoped that the House would not allow his Majesty's Ministers to get possession of such a fund, as the law, according to this construction of it, would place at their disposal.

Sir *C. Wetherell* said, that if Government should consent to the production of the opinions of the law-officers of the Crown in this case, he should state his conviction as a lawyer, that no Attorney or Solicitor General ought ever again to give an opinion in writing, upon any case submitted to them by the Crown. [An hon. Member asked, Why?] He would tell the hon. Member why. It had been laid down by the highest authority, that no Minister had a right to produce the opinion of the law-officers of the Crown, for the purpose of its being reviewed and discussed in that House; that that House had the right to see those opinions, he took the liberty to deny; for himself, he would not have accepted office on the servile and submissive condition of having every one of his opinions laid upon the Table of that House. The independent ground upon which office could be accepted was, an adherence to the present practice. He utterly dissented from the proposition that the House of Commons had a right to see the private and confidential advice of the law-officers of the Crown. With respect to the question of the liability of Crown property to taxation, there was no lawyer who would not at once admit that it was altogether exempt from taxation, and that these sugars might come in free of duty. If the Crown had a specific right in any thing, only an express Act of Parliament could subject it to taxation. This was the opinion which he had expressed, and he should never shrink from it. If he objected to the production of the written document, it was rather from a feeling for the hon. member for Aberdeen than for himself that he objected; because he should put the hon. Gentleman in the wrong by producing it. Of all clear propositions this was the clearest,—that the Crown was not liable to pay taxes. But if there was to be a prospective alteration of this established principle, let it be made: the Legislature was competent to effect the change. He hoped that the Motion of the hon. Gentleman might not be conceded, not upon any grounds personal to himself (who gave the opinion), but on the general principle, that the advice of law-officers of the Crown was to be considered as private and confidential advice, although, for the sake of accuracy and convenience, it was given in writing.

Sir *R. Peel* concurred with the hon. and learned Gentleman, that it was not expedient in the present case for the House to call for the opinion which the learned Gentleman, when Attorney General, had delivered upon this subject. However, he did not agree with the learned Gentleman in thinking, that in no case should Parliament call for the production of opinions given by law-officers of the Crown. If there were a suspicion that they had acted under undue influence, or an imputation against them of straining a point in favour of the Crown, the law-officers would be justly liable to have their opinions called for, and their official acts investigated. But probably the learned Gentleman did not speak of such cases as these, but rather of the general rule of Parliament in ordinary cases; and in the expediency of that general rule, which was, not to demand the opinions of the Crown lawyers, he (Sir R. Peel) fully concurred. Nothing could be more convenient for Government, than to lay the opinions of its legal advisers before Parliament, and shelter itself under their sanction and authority; but such a proceeding might be fairly objected to by hon. Members opposite, on the ground that it involved an attempt to overbear the exercise of the free judgment and opinion of the House. Would the House allow the opinions of the Attorney and Solicitor General to guide it? Certainly not. He knew that in the case of a discussion on the Alien Act, a legal opinion of one of the Crown lawyers was inadvertently produced by a member of the Government, in order to show that we possessed the power of banishing aliens; and the production of this opinion being objected to, it was admitted that it was wrong to quote it, under the idea of controlling the House. It was fit that the Government should be the party to be held responsible, and that it should not be permitted to hold up the opinions of its law-officers, as a sanction to acts for which it was itself accountable.

It was a matter of indifference whether the opinion were produced in the present case or not, as far as the practical result was concerned; but upon principle the House, rather than the Government, ought to resist its production. The feeling of confidence in which legal opinions were given to the Crown, and which feeling was essential to their truth and accuracy, might (as the learned Gentleman hinted) be weakened if those opinions were held liable to be called for, except under very peculiar circumstances; and unless the House should be of opinion, that in the present case such peculiarity existed, he should oppose the Motion.

Sir *J. Newport* thought, that there did exist that degree of peculiarity in the present case, which had been mentioned by the right hon. Baronet as justifying the production of the opinions of the law officers of the Crown. The peculiarity consisted in the circumstance of Ministers calling for the opinion of their legal advisers, and departing from a custom in which the Crown had acquiesced for a period of 170 years. When the hon. and learned Member told them that he should think it a degradation to give, as Attorney General, an opinion which was to be subjected to the inspection of that House, the hon. and learned Member showed that he was totally unfit to hold the situation which he had formerly filled. And so much for that—[*"Hear," from Sir C. Wetherell.*] Yes, so much for that; and he said so, because he did not like to repeat the same thing over and over again, which was the custom of the hon. and learned Gentleman. On every constitutional ground he contended, that these opinions ought to be produced. If the law was, as it had been stated to be, the Legislature ought immediately to amend it.

Sir *C. Wetherell*, in explanation, called on the House to bear witness that he had never said that the law-officers ought not to be responsible to that House. The servility of which he had spoken was servility to the Minister, not to the Parliament. All he had said was, that if there had been any thing wrong, the Government ought not to cast the blame on the law-officers.

The *Solicitor General* said, that he had understood the hon. and learned Gentleman to have spoken exactly as he had stated he had. The hon. Baronet therefore must, he thought, have misunderstood the hon. and learned Gentleman. He was not responsible for the opinion in question, but allow him to say, that no lawyer could have given any other opinion. He thought the practice of producing the opinions of the law-officers, which were given only as a guide to the Government, would be highly objectionable.

Lord *Althorp* must confess, that he had understood the hon. and learned Gentleman (Sir C. Wetherell) very differently. He had understood the hon. and learned Gentleman to say, that he should consider it a degradation, if an opinion of his, given as Attorney General, were canvassed in that House. With respect to the production of such opinions, he agreed that it might be sometimes attended with inconvenience, and that a special case ought to be made out to warrant the House in calling for the opinions of the law-officers. That the House under such circumstances had a right to call for the opinions of the law-officers, he took to be perfectly clear; and he thought it a monstrous doctrine to say that the law-officers were not responsible to that House. In the present case he had heard no valid objection, and he could conceive none, against the production of the opinions; and he should therefore vote for the Amendment, especially after the doctrines that had been laid down that evening.

Sir *C. Wetherell* regretted that he should have been misunderstood by so accurate a person as the noble Lord, and was sorry to be called upon to explain a second time. The hon. and learned Gentleman then repeated his former explanation.

Lord *Althorp* said, he had not doubted, after the explanation before given by the hon. and learned Gentleman, that he had misunderstood what had fallen from that Gentleman in the course of his speech. He had only stated the fact that he had misunderstood him, because the hon. and learned Gentleman seemed to think it strange that the hon. Baronet had misunderstood him.

Mr. *R. Gordon* wished, after the four or five explanations that had been given, to be allowed to say a few words upon the question. He agreed with his noble friend, that the present was one of those special cases in which it was admitted that the opinions of the law-officers of the Crown might be called-for,—opinions on which was founded the departure from a practice which had existed for nearly 200 years. For that length of time the King's sugars had been imported as the payment of the 4½-per-cent duties—for that length of time had they been entered at the Custom House, and duty paid in the usual way, but now it had been discovered that the law was different from what it was supposed to be; on a case submitted to the law-officers of the Crown, the practice was changed, and these sugars were entered without payment of any duty. The receipts of those 4½-per-cents had greatly increased since 1828, amounting, first to 61,000*l.*, and last year to 67,000*l.*, though they had not exceeded 22,000*l.* in 1827, and the difference was explained by a note subjoined to the papers laid before the House, in which the reasons for the increase appear all to flow from the opinion of the law-officers of the Crown. He did not think, however, that the case rested upon the opinion of the law-officers of the Crown alone, at least the House ought to have something more, and no difficulty would have arisen to prevent that being produced, had the Motion originated at the opposite side of the House. If Ministers had wished to support any view of their own, the opinion of the law-officers would have been produced without any difficulty. He did not care so much for the opinion of the law-officers in the present case, which, in fact, the House already knew, but he wanted to see the special case which was submitted to those officers, and on which their opinion was founded. The produce of those duties was employed in the payment of certain pensions, and he suspected that the fund not being found sufficient to pay the annual charges upon it was the real reason why this plan was fallen on of increasing it by the whole amount of the Customs duty. Those pensions amounted to 37,000*l.*, and up to the time of adding to it the duties on the sugars imported, the fund was below that sum. There was then no other way but to abate the pensions, or increase the fund. The abatement of the pensions of course could not be thought of, and the only way was to increase the fund. He had some reason to believe that it was attempted to make up the deficiency by the receipts from Ceylon; but as the 4½-per-cent fund had got too much in debt to render that expedient available, it was determined to call in the aid of the Attorney and Solicitor General, and they from the case laid before them, gave the opinion that the non-payment of the duties on the sugars imported on account of this fund was quite legal. How long the House would permit the law to remain he would not answer, but sure he was, that it ought not to be allowed to continue in its present state. He might observe, the agent for the payment of the pensions had a salary of 400*l.* a-year and the agent for the sale of the sugars had a commission of two per cent. He, of course, like other agents employed a broker. The sugars were sold on a credit of seventy days, and when sold the duty must be paid; it appeared to him likely, therefore, that the per centage was allowed on account of the outlay of money for the payment of the duties; but as no duties would have to be paid henceforward, at least as long as the law remains as it is, there was no use in continuing this per centage, which amounted to 1,039*l.* a-year. The expenditure would be wholly useless. The husband of the imported produce, as he was called, and who received 400*l.* a-year, might manage the whole fund. This, however, was a subject on which he would not trespass further on the attention of the House, knowing that it would not escape the vigilance of his hon. friend, the member for Montrose. He would only again ask the right hon. Gentleman opposite, what were the reasons on which this departure from long-established practice had been founded?

Sir *R. Peel* was sure the House would do him the justice to recollect, that he had not said that the law-officers or their opinions were beyond the reach and control of that House. As for instance, where there was imputation either upon the Government or upon the law-officers, the House would doubtless be justified in calling for those opinions. All that he contended for was, that grounds must be shown for the production of such documents. He could not conceive what ground there was in the present case, where the law it was admitted was consistent with the opinions given by the law-officers. He thought the hon. Member who had just sat down had shown the weakness of his cause by saying, "It is the case I want; not the opinion."

Mr. *O'Connell* said, that in this instance a usage of sixty years standing had been departed from. If such a case happened between man and man, a court of equity would decide that the law was with the usage. He considered sixty years usage sufficiently long to defeat the King's prerogative. [" *No, no," from Sir C. Wetherell, and a cry of "Order."*] He said "Yes." He maintained the point, and could cite authorities in support of it. He saw no reason why either the case or the opinion should be withheld in the present instance.

Mr. *Maberly* apprehended that this diversion of money had been made in consequence of the funds for the payment of the pensions having diminished. He thought the opinion ought to be produced.

A division took place, when the numbers were:—

For the Amendment 32; Against it 78; Majority against the Amendment 46.

List of the Minority.

Althorp, Lord
Attwood, M.
Bentinck, Lord G.
Baring, Sir T.
Bright, H.
Brownlow, C.
Cavendish, W.
Crompton, S.
Calvert, C.
Calvert, N.
Davenport, E.
Davies, Colonel
Dawson, A.
Easthope, J.
Fazakerley, J. N.
Graham, Sir J.
Gordon, R.
Guest, J.
Heathcote, J. E.
Jephson, C. D. O.
Monck, J. B.
Milton, Lord
Newport, Sir J.
O'Connell, D.
Poyntz, W. S.
Rice, T. S.
Rickford, W.
Waithman, Ald.
Warburton, W.
Western, C. C.
Whitmore, W. W.
Wood, M.

TELLERS.

Bernal, R.
Hume, J.

PAIRED OFF.

Carter, H.
Denison, J. W.
Wood, J.

The question was again put, that the House resolve itself into a Committee of Supply.

Mr. *Hume* objected to the Motion. He said, that the Ministers had, by this measure which they had adopted upon the opinions of the law-officers, transferred 30,000*l.* a-year from the control of that House, without the consent or the knowledge of the House. The House, therefore, ought not to vote one shilling for the public service until the circumstances of the case were made known, and until the Ministers consented to produce the opinions of the law-officers. This fund was described as the King's private property, and he therefore charged the Ministers with having taken 30,000*l.* a-year from the public, and with having put it into the pocket of the King. On these grounds he objected to any further supplies being voted. He did not exactly know what course he ought to take. He would, however, now move that the Committee of Supply be postponed till Monday next.

The *Speaker* said, that the forms of the House would not allow the hon. Member to take that course.

Mr. *Hume* said, that, in that case, he would meet the question before the House by a direct negative, and that he would renew his opposition on every vote of supply being proposed throughout the Session. Yes, he would: he would not listen, as he had listened before, to such language as this,—" You are impeding the public businesss without answering any good end." He thought the proceedings of Ministers, in refusing to produce the opinions of the law-officers, had been most unconstitutional. The Ministers by this refusal had treated both the House and the country with disrespect, and no further supplies should be granted with his consent. He would not divide the House on the question, as it had already expressed its opinion; but, for the present, he would content himself with giving the Motion for going into the committee a negative.

The House then went into a Committee of Supply.

MISCELLANEOUS ESTIMATES — MILBANK PENITENTIARY.] Mr. G. Dawson moved, that a sum not exceeding 21,135*l.* be granted to defray the expense of the Penitentiary at Milbank for the year 1830.

Mr. *Hume* said, that he had on a former occasion objected to this vote, and it having then been postponed on account of the absence of the Secretary of State, he would now state his reasons for objecting to it. The establishment was at first only an experiment, and was warmly opposed in 1811, when it was first erected. It was then held that England ought to try an experiment which was said to have been eminently successful in the United States, and he had then given a conscientious support to the plan. The expense of the establishment, however, had been far greater than the estimate. In the first place, it had never contained much above one-half of the persons whom it was calculated to accommodate. It was intended for 1,000 persons, but there had never been more than 600 in it. This showed that there was something defective about it, and that it had not answered the end to the extent it ought. After it had existed nineteen years, he would ask the right hon. Gentleman if he thought the experiment had succeeded? He entertained no doubt on the subject, and he put it to the right hon. Gentleman whether it were not time to put an end to the system? Had the hopes conceived from the plan of a penitentiary been realized? He believed not; and those who recommended it in 1811, never could have supposed that in 1830 each person inclosed in it, making no allowance for the expense of the building, would cost the country annually 30*l.* In fact, according to the sum voted for the average number of prisoners, from 627 to 630, the amount per head was 32*l.* Including the expense for the building, the cost for each person accommodated was, annually 89*l.* In his opinion, it would be wise to dispose of the Penitentiary; and as the Middlesex Magistrates were sometime ago about to build a gaol, it might then have been transferred to them. They would have taken it, he understood, and the country might have been repaid part of the cost of the building. At present there was a governor, with 600*l.* a-year, besides perquisites; a secretary, with 400*l.*; a chaplain, with 400*l.*; and a medical staff greater than that of a regiment. The expense, he believed, for the medical attendance on 600 persons was upwards of 500*l.*, being more than any regiment of 1,000 men cost, in any part of the world. On the whole, the expense of the servants of the establishment amounted to between 5,000*l.* and 6,000*l.* It was high time, then, that this establishment was put an end to. In fact, in his opinion, all persons sentenced to transportation should be immediately sent off to the colonies, and not kept one day in this country. That would be found the cheapest way of disposing of them, and the most advantageous, he believed, to the public morals. The expense of conveyance was now so small, in comparison with what it was, and with keeping people in the Penitentiary, or in the hulks, that they ought not to be allowed to remain in England after being sentenced to be transported. But if the expense were even much greater than it really was, he should think that of little importance, compared to the advantage which would accrue to public morality. He knew that it was the opinion of many magistrates, that the convicts, liberated from the hulks or from the prisons, however well they might have behaved there, soon relapsed into their old courses, and ran another career of wickedness before they were arrested by the arm of the law. They did more injury to society than could be compensated by the very trifling saving which might accrue from keeping them at home. He looked on transportation less as a source of economy than as a means of preventing contamination. The persons who learnt the trade of stealing in prison were a great means of spreading a knowledge of the art through the country; and when he looked at the return of commitments then on the Table, he was sure that the subject deserved the attention of the House. The number had increased during the last year, as compared with the preceding year, 2,600; and people would hardly believe the frightful progression since 1800, when the number was only 4,000, up to the last year, when it amounted to more than 18,000. He could make allowance for the consequences of that distress to which the people had been reduced by taxation; but making every allowance for that, he still thought the increase of crime was most alarming. In particular, he would take care to transport those females who were convicted of crimes, and who, being very often here a burthen both to themselves and others, became useful members of society when transported to our colonies. By sending felons thither, we should put an end to some of our expensive establishments at home, and, if properly managed, they would pay for the expenses of the colony. Very soon the House would be called on to vote 130,000*l.* for New Holland, but by the plan of disposing of the labour of convicts there this expense might be saved. At present the governor gave the convicts to his favourites or his friends, or employed them on his own ground; but he believed that many of the settlers there would be glad to have their service on their arrival, giving for them a sum fully equal to the expense of conveying them thither. Persons could not, at present, have the service of convicts unless they were favoured by the governor. The public expense might be reduced very much by disposing of their services instead of allowing the governor to appropriate them, as was done by the present governor, among his relations and friends. The system he had recommended would put an end to this abuse of patronage, and would be attended with immediate advantage to the convict and the country. He would be reformed, the public morals would be improved, and the Revenue of the country benefitted. In the society of his companions here, he kept on in his old courses; there he was separated from them and became a new man. There was in the colony of New South Wales a great want of women, a great want of servants, and he would accordingly send all the female convicts off there directly. They should all go, young and old. He knew that they were improved very much in the colony, and women who were old here were made young there. The right hon. Gentleman might satisfy himself of this fact. It was of the utmost importance that these suggestions should be attended to. There these poor beings were removed from the haunts of vice; and, though he believed that the plan would be economical, as well as useful to public morality, even if it were expensive, he should think that of little importance, when compared to the benefit which would be conferred on these wretched women and the country. They would be such as would gladden the hearts of all benevolent and philanthropic persons. He believed, however, that, what with the expense of hulks, and with the expense of the Penitentiary, it would be found more economical, as well as more humane and benevolent, at once to transport all persons sentenced to transportation. The hon. Member concluded by recommending the subject to the serious consideration of the right hon. the Secretary of State.

Sir *R. Peel* rejoiced in the opportunity afforded him by the hon. Member, of entering into some explanations on this subject. He confessed he felt as deeply as the hon. Member, the importance of the subject, not more from the circumstances connected with it to which he had adverted, than from others to which he had not directed his attention. The whole question was so connected with that other most important question—the infliction of secondary punishments—that he really thought it worthy of the strictest investigation; and that investigation he courted, not to relieve himself from any responsibility, but in order that the best information might be obtained respecting the infliction of secondary punishments, and the prevention of offences. He had, indeed, been at all times most anxious to further the admission of strangers and foreigners into all places appropriated to the punishment of offenders; because he thought it of great importance that the country and the Government should be able to avail themselves of the information and suggestions which such visits might call forth. The hon. Member had put to him a number of questions on the subject of the management of the Penitentiary, as connected with the present system of punishment; and he would answer these questions with all the fairness and candour which the hon. Gentleman could desire. The hon. Member commenced by asking him to say, if it were his opinion that the advantages of the Penitentiary were not counter-balanced by the expense attendant on its management? Now, certainly, if the question to be agitated at the present moment were—whether or not it would be expedient to expend 500,000*l.* on a building of that description—he confessed he should pause before he gave his assent to it. But the real question to be considered was, whether it must not be more advantageous to avail ourselves of the benefits which the possession of such a building afforded, than to abandon it at once after so great an outlay, which could not be recalled? It ought to be known that the Penitentiary was not in reality governed by the Secretary of State, but by a committee appointed by the Privy Council for the purpose of giving advice to the Secretary of State on every thing connected with the management of prisoners. These gentlemen performed their duty gratuitously, but with great advantage to the country; and although he confessed very candidly that he, at one time, entertained a very strong opinion on the propriety of placing every department connected with the administration of secondary punishments under the immediate control of the Secretary of State, still he had no reason to regret the decision of the committee of the House, which had been appointed at his request to inquire into the subject. The members of that committee were gentlemen, a great majority of whom were not favourable to the Government. Mr. H. G. Bennett, who, at that time, took a prominent part in the discussions of the House, was their chairman; Mr. Hobhouse, and many others of the Opposition were among its members; and he was bound to confess that they differed with him on the propriety of placing the Penitentiary under the government of the Secretary of State, and thought it better and more satisfactory that it should continue under the management of a number of gentlemen of high character and experience, such as those who formed the committee. Having said thus much with respect to the management, he would now proceed to notice some of the hon. Member's other objections. The hon. Member complained of the salary of the Superintendent. He differed with him on that point. He believed that some reductions might be made in the general establishment; but when it was considered that the committee acted gratuitously, and that the whole expense of management was the salary of the Superintendent, he thought it of great importance that they should have in that office a gentleman of education and character, and of such a situation in life as would be a guarantee for the proper discharge of the very important duties appertaining to his office. The hon. Member, however, objected to the establishment altogether. What would he do with it? If it was offered for sale to the Middlesex Magistrates, he apprehended they would give for it but a very small portion of the worth or of the money it had cost. [*Mr. Maberly said, "give it to them; make them a present of it."*] Now, really considering that the hon. Member who made that suggestion was a great economist, it was a little surprising that he should offer to give away a building which cost so much, when they must immediately after erect another of some kind, although perhaps, not quite so extensive. They could not transport all who were found guilty of offences, although the propositions of the hon. Member for Montrose would go to the extinction of all imprisonment, except for life. There were some classes of offenders who must always be excepted. Young females for instance, who might probably be sentenced for a first offence, and who did not come within the description of hardened criminals. He begged, however, to admit at once, that while he denied the propriety of the hon. Member's suggestions on the subject of transportation, he had not the slightest objection to the appointment of a Select Committee for the purpose of inquiring into the comparative advantages of the convict system, and of transportation. The hon. Gentleman said, he would transport all, both young and old; the young to increase the population of the colony, and the old to become young. He would be glad to know, however, what benefit was to be received from transporting offenders of seventy or eighty years of age, or of what advantage they could be to the colonies. He was convinced, that a system of secondary punishment, by compelling convicts, under good discipline, to serve at the public works, was one calculated to prevent crime, and to prove beneficial to the offender, as well as profitable to the country. By a letter from the Navy Board, which he held in his hand, he found that the expense of the convicts in the Hulks was 70,500*l.*, while the produce of their labour amounted to 67,570*l.*; and to this was to be added the labour in the Ordnance Department which produced 9,092*l.* At Bermuda, too, the labour of the convicts had been found highly productive. The hon. Member blamed him, too, for not sending every female offender to the colonies, where they were so much wanted. Now, in order to show how much difference of opinion prevailed on this subject, he begged the hon. Member to hear the language applied to a system of transportation of that kind, by Mr. Halford, a gentleman who had lately published a pamphlet on the subject. Mr. Halford there says, he wanted language to express his objections to the monstrous principle which seemed to be adopted by the Secretary of State, in sending out females to the colonies, with a regard to the wants of those colonies rather than to the nature of the crime. He mentioned this, not for the purpose of combatting Mr. Halford's arguments, but to show that the situation of a Secretary of State, amidst such conflicting opinions, was not a very agreeable one; for, although he had adopted the practice of sending out a number of female convicts in consequence of overwhelming considerations of morality, repeatedly urged on the Home Office, he was here charged with the crime of defrauding the Penitentiary in order to increase the number of female convicts. It was obvious, however, that New South Wales had long outgrown all the objects for which it was chosen as a place of transportation—for if young and active profligates were to have the assurance that they could support themselves in ease and comfort the moment they were sent out of this country at an expense of 30*l.* or 40*l.* to the Government, transportation became an object to be coveted rather than avoided. It was, indeed, in the contemplation of the Government to endeavour to make the punishment of transportation, when had recourse to, much more severe than at present, not only as a punishment, but as an effectual preventive of crime. In England transportation was not much dreaded: in Ireland it was. The inhabitants of that country seemed to have a peculiar dislike to be separated from their country and their kindred. In all agricultural countries this feeling seemed also to prevail; but in England the people of large towns were little affected at the prospect of being sent to a distant colony, and the change of scenery appeared rather to possess attractions for them. It was for this reason that he thought the infliction of secondary punishments at home was preferable to transportation to New South Wales. But then the hon. Member recommended the selection of new colonies for that purpose. If the Government were to adopt that recommendation, it was much to be feared that the hon. Gentleman would not be much satisfied with it on the score of economy. If convicts were sent to a colony there must be labour for them, or the object of transportation would be lost. When, however, this difficulty was surmounted, the necessity of providing a surgeon, a chaplain, a guard, and all the other requisites for the settlement, would lead to an expense which the hon. Member would not be prepared for. The cost of the establishment at New South Wales had taught them the danger of embarking in plans of that kind. Bermuda, however, was admirably calculated for all the purposes of transportation. There labour was needed, and by a judicious system it was supplied in abundance, and he believed there were now above 1,200 convicts employed in the works. In other places—in Canada for instance—the same facilities were not afforded for that purpose, because, if the convicts were to be moved from place to place, they must have a guard of some strength to accompany them, and buildings must be provided for their reception. He mentioned these things, not to prevent inquiry, but to encourage it. He thought the subject one of great importance, well deserving the most serious investigation. He knew that many different opinions were entertained respecting it, but he stated his opinion, that the labour of the hulks was the most economical method of disposing of the time of the convicts, and that it deserved encouragement. He repeated, however, his former declaration, that if the House was of opinion that a sufficient time had elapsed since the last inquiry, and that the state of New South Wales was so much altered as to render it inexpedient to make it longer a place of transportation, although he did not by any means wish to relieve himself from the responsibility of his situation, yet he should feel glad to see the whole of the subject thoroughly investigated by a Select Committee.

Colonel *Davies*, having commenced by saying that the right hon. Gentleman had changed his opinions on this subject, because he had formerly rejected all inquiry into the general management of County Penitentiaries—

Sir *R. Peel* denied, that he had expressed any opinion with respect to them now, and observed that any meddling with the management of county jails by the local magistracy, after the counties had been persuaded to expend 20,000*l.*, or 30,000*l.* in their erection, would be calculated to destroy all confidence in the Government.

Colonel *Davies*, in continuation, said, that the right hon. Gentleman had totally misunderstood him. His object was, to have an inquiry into our system of secondary punishments, which it was admitted wanted improvement. Every day, complaints were made of the rapid increase of crime, which was to be attributed to our secondary punishments, as they were called, holding out inducements to its commission. The state of our prison-discipline was such, that a man of the labouring class who committed an offence, and was confined for it, had better food, better clothing, and less work to perform, than whilst he was at large, and he was free from the taint of crime. He should like to have it ascertained how far the existing prisons might be made subservient to a better system. He was the last man who would wish to put the country to expense, his feeble efforts had always been pointed to its diminution; but he wished for an inquiry, to see whether a more rigid discipline could not be enforced, and prisons made what they ought to be, places of punishment, instead of places of refuge and recreation. The work of captain Basil Hall upon the United States, contained some accounts of American prison-discipline, which he would recommend to the perusal of the right hon. Gentleman, and which would afford useful suggestions for the improvement of our own. In nine cases out of ten the American plan might be adopted here without difficulty. In the United States prisoners were not allowed to meet together in what in this country was called a day room, where those who had killed a hare, or, like the sportsman he had perhaps often accompanied, had shot a pheasant, or been guilty of a transgression against some law which involved no moral turpitude, became the associates of the most abandoned characters. This might happen even to individuals who had been guilty of no offence whatever, but who had by some mistake been committed for trial. In America the men were locked up in separate cells; in the morning they were marched out to labour, and were allowed no communication with each other; in the evening they were marched back again to their cells, and were all compelled to take their meals in solitude; the next morning they were again marched out to work, and so flowed on the term of their imprisonment. The consequence was, that a prison in the United States was looked upon with horror, and those who had been once confined were not generally anxious to return. With respect to our hulk system, it was decidedly defective, not only because the convicts, particularly the boys, came out worse than they went in, but because they got a portion of their earnings, and had their situation made much too comfortable. A remarkable fact was elicited in a committee appointed some years ago to inquire into the condition of the labouring poor, of which he was a member. It was stated by a witness from the neighbourhood of Sheerness, that the condition of the convicts on board the hulks there was so comfortable, that it was a common thing for the labourers in the vicinity, even when they were earning 15*s.* a-week, to say that they should like to commit some offence that would just send them to the hulks. It could not be matter of surprise, then, that the convicts at their discharge should return to their former course of life, which would only carry them back to the hulks, or out to New South Wales, where they were equally well off. With respect to that colony, nothing was clearer, from what the right hon. Gentleman had just said, than that the whole system of management there wanted changing. It was the interest of the colonist that there should be a large importation of convicts, for he was anxious to get his labourers as cheap as possible. As soon, therefore, as a convict-ship arrived at Sydney, there was a general rush and a demand for its passengers. Not long back, he had inquired of a military officer who had been in that colony, how they justified the system by which the convict was made so comfortable; and why he was allowed so much meat, bread, tea, sugar, tobacco, and other things? He replied, that if they were not kept well, they would not work well; and that the colonists made them comfortable to keep them serviceable. If transportation were to be preserved as a punishment, a different system must be adopted. In the prevalent feeling as to capital punishments he participated; but whilst he wished that the infliction of death should be less frequent, he thought it necessary that our secondary punishments should be more severe than at present.

Sir *George Murray* observed, that the hon. member for Aberdeen had spoken of the system adopted in New South Wales, as one of favouritism, but he could assure him that it was not so. If the Committee considered the nature of the population of that colony, it would be sensible how likely it was, that there should at all times be complaints made against persons in authority there; and those who fancied that they had complaints to make, were encouraged to prefer them by the readiness of the hon. member for Aberdeen to bring them forward in that House. He did not complain of that readiness, on the contrary, he was glad that there should be, at all times Gentlemen in the House willing to bring forward any grievances, as the best way of making them known, and getting a remedy applied: but the hon. Gentleman ought not to bring forward sweeping accusations without proof against the Government of that or any other colony. As to the convicts being distributed on a principle of favouritism, the fact mentioned by the hon. Member who had just sat down, of the great anxiety of parties to obtain them, might account for the accusation. It was impossible that all could be satisfied; it was natural that those who were disappointed should complain, but as it was absolutely necessary that a certain control of police should be exercised over the convicts, the Government must not be deprived of the discretion of distributing them to whom it thought fit. Every person who applied, was not proper to be trusted with convicts. The hon. Gentleman had also thrown out an insinuation, that the Governor of the colony was surrounded by a crowd of relations—but he thought that the fact of the Governor having some connexions there hardly warranted such an insinuation. The situation of civil engineer was filled by the brother-in-law of the Governor. He performed his duties in a most exemplary manner; but it was a mistake to suppose that he was appointed by the Governor, for he was sent out from the Government of this country. It had been represented that another relation of the Governor filled an official situation, but there was no truth in that representation; and he had resisted the appointment, because, as there was a strong feeling in the colony both for and against the Governor, it was necessary that the patronage should be distributed so as not to give the appearance of partiality to either side. With regard to the female convicts, there was certainly not so strong a desire felt for their services as for those of the other sex; and it had been difficult to procure situations for them. This had led the Colonial Department to direct the Governor to make it a condition with those who took a certain number of male convicts, that they should employ one female.

Mr. *Maberly* said, that the 500,000*l.* voted for the Penitentiary, was one of the greatest pieces of extravagance imaginable, considering that we had abundance of hulks, where all our convicts might be maintained at a less expense, and in a more orderly and healthy state than at Millbank. The right hon. Secretary for the Home Department seemed, however, to keep up the establishment more because he had found it in existence, than because he approved of it, or would have set it on foot; but when he considered the expense of continuing it, he ought, perhaps, to conclude, that it would be better to give the 500,000*l.* up for lost, and abandon it at once. Its inmates cost us 33*l.* per head, per annum; and if that was not extravagance, what was? If the right hon. Secretary would even take its management under his own department, its cost would probably be much less than under the direction of unpaid commissioners. The charge for management amounted to 11*l.* per head; a sum which was greater than was incurred for the management of any county gaol in the kingdom. But although he thought that the right hon. Gentleman would manage the establishment more cheaply than the present commissioners, that right hon. Gentleman had given the House a specimen of his notions of economy, of which he could by no means approve. The right hon. Gentleman said, that we must have for a Governor, a man of talent, of character, &c. with 600*l.* a year, besides perquisites, for managing 600 people, whilst a Lieutenant-colonel, who had to overlook 700, only received 300*l.* a-year, whilst even a General officer received less, this did seem to him most extravagant. He was convinced that there were many half-pay officers well qualified to discharge the duties of the situation who would be glad to take it for much less, and thus relieve the country from the charge of their half-pay. If a motion were made to reduce this specific salary, he did not believe that the House would support it at its present high rate. We had abundance of hulks, which, at very little expense, might be made fit to receive all our convicts, and he hoped that when the committee to which the right hon. Gentleman had alluded should be appointed, it would take this vote into its consideration.

Sir *R. Peel* said, there was no analogy between the situation of a Colonel in the army and the Governor of a prison; he had experienced great difficulty in getting a gentleman of the attainments and character he deemed necessary, to fill the situation.

Mr. *Wilmot Horton* said, the subject of secondary punishment was one of considerable importance, and deserved the best attention of the House.

Mr. *Ross* observed, that great reductions had been already made, and more were in contemplation. The estimate for this year was 600*l.* less than last year.

Mr. *Hume* objected to the salary of 400*l.* a-year, enjoyed by the Secretary of the Governor. This person was Secretary to another establishment, and did not reside in the Penitentiary.

Sir *T. Freemantle* remarked, that many persons had been restored to society by means of the Penitentiary.

Sir *T. Baring* said, the charge for

convicts in the Penitentiary was exorbitant as compared with the expense of supporting prisoners in the county gaols.

Vote agreed to.

The House resumed. The Report to be taken into consideration on Monday next.

Sale of Beer Bill.] The Chancellor of the Exchequer moved the Order of the Day for the House to resolve itself into a Committee of the whole House upon this Bill. On the first Clause being moved, that "Persons desirous of retailing Beer might take out licenses, &c,"

Mr. *Monck* said, that the principle of the Licensing system was not what some Gentlemen supposed, a new law, but was a part of the old Common Law of the country. It was laid down by all the writers on the Criminal Law, that indictments might be maintained against public-houses as public nuisances, not only because they were disorderly, but whenever they were inconveniently multiplied, or when they were opened in an inconvenient situation. The principle of the licensing system was preventive instead of corrective —it was, in fact, a system of previous inquiry, rather than of subsequent punishment. The evils which an unregulated system would introduce, had not been dreaded in vain. All the Statutes passed up to this time had proceeded on the principle of the Common Law. The 2nd of George II., especially stated, that many inconveniences had arisen from the number of common public-houses; and in making that declaration it only adopted the words of the Common Law. The principle of the Common Law was openly contradicted by this Bill, for the Common Law said that public-houses might be inconveniently multiplied: but this Bill went on the presumption that there could not be too many. The Common Law said, that houses of this sort ought not to be erected in low, retired, and improper situations; but this Bill said, in effect, that no situation was improper, if the man dealing in the article paid two guineas a year to the Excise. What, he wished to know, would be the operation of this Bill with respect to Mr. Estcourt's law? That law had been well considered, and he did not think that its provisions ought to be lightly set aside. Let them suppose a person who had conducted his house in the most disorderly manner, when he came before the Magistrates to demand the renewal of his license, they were able to prevent the repetition of such conduct in the ensuing year. But under the new system proposed by this Bill that could not be done, and no check would be imposed on persons who acted in that manner. The evils of houses of this kind had increased so much from time to time, that the system had rather become more restricted than more relaxed. And what had been the consequence? Why, that the manner in which they were conducted was now much improved. The present state of good order in which these houses were was the best defence of the restrictive system, and afforded the strongest reason for its continuance. But this question was as important in the view of its relation to the property embarked in public-houses as in any other respect. In consequence of the restrictions which, for a series of years, had been placed upon the business of public-houses, those houses which had a license had acquired an artificial value, and persons had bought the houses themselves, or the leases for years; and others, who had taken this sort of property under wills or settlements, had taken it subject to the condition of making payments to the junior branches of their own families, which they would be unable to discharge, if that which had so much increased the value of these houses, were on a sudden taken away from them. But it was not only great interests, such as those of large brewers, that would suffer, the small publicans, who had embarked their all in the purchase of houses of this kind, would also be materially affected. The evil of this Bill was, that it carried the principle of competition to a new and indefinite extent. He would not advise hastily returning from the artificial system that had been created to the natural system, for such a rapid change would produce great injustice to many individuals. In his opinion, the principle of competition might be carried into full effect if men were allowed to sell Beer without their being at the same time permitted to turn their houses into ale-houses. The principle of competition, so far as it had already been carried in the town of Reading, even under the present system, had been attended with the best possible effects, for in that town there were five great brewers and seven retail brewers, and the Beer was some of the best in the kingdom, He did not think that the principle of competition need be carried further than it was in that town at this moment. The clause he was about to propose would have the effect of allowing as free a competition as existed in Scotland, where any man was allowed to sell Beer, but not to permit persons to stay on his premises to drink it. Many retail brewers and respectable shopkeepers had told him they should be quite satisfied with such a law, for they did not wish to have soldiers billetted on them, which they must have if their houses became ale-houses. They could not have all that was profitable without suffering the accompanying disadvantages. If his clause were carried, he should introduce another for the protection of shopkeepers against vexatious informations. The hon. Member then moved, that in the clause under discussion these words should be inserted—"Provided that Licenses granted under this Act should not authorise those who obtained such Licenses to allow the Beer to be drunk in the places where it was sold."

Sir *T. Gooch* said, he had been one of the first to congratulate the right hon. Gentleman on the reduction of the Beer-duty, because he had thought it one of the best proofs of the intention of the Ministry to have recourse to practical economy; but if all men were now to be allowed to sell Beer, and it might be consumed on their premises, England, from one end to the other would be one great ale-house. He wanted perfect freedom in the sale of Beer; but let the Magistrates have some control over it [*laughter*]. He was not surprised that Gentlemen should laugh; but if they would hear him out, they would find that he meant only that the Magistrates should have some control over those who sold Beer. He recommended the House to try the clause proposed by the hon. Member for the space of two years, and if they found that it really imposed a check upon the freedom of trade, they might then repeal it; but it was certainly worth the trial.

Mr. *Slaney* could not consent to consider this question by itself. It was in fact connected intimately with many others, and it must be viewed with reference to them. It was a curious fact, that while the consumption of every other necessary of life had increased in this country, the consumption of Malt, which was a necessary of life to the labouring population, had materially diminished. The agricultural interest naturally demanded the reason of this, and they found that it was caused by the heavy restrictions imposed upon the Malt and Beer manufacture, and upon the trade in Beer. The House investigated the nature of these restrictions, it found them burthensome, and it became convinced that the principle of the Malt-tax, of the Beer-tax, and of the Licensing Acts was most unjust, the restrictions they imposed falling exclusively upon the labouring population, who alone were unable to brew their own Beer. Besides these taxes there were restrictions on the sale of the article itself. These restrictions gave an artificial value to the houses in which Beer was sold, and the value of the brewers' property was increased at least one million and a half. That increased expense, of course, though paid in the first instance by the publican to the brewer, was put by the publican upon the Beer; and the combined effects of the taxes and the restrictions ultimately fell on the labouring consumer. The Ministers, much to their credit, had taken off the tax on the manufacture of the Beer; and he was bound to say, that they deserved the utmost credit for what they had done. Representations had been made to them respecting the Malt-duty; and they had certainly done much good, by removing most of the restrictions on the manufacture of that article; they would have gained the support of a wealthy and powerful party if they had taken off the Malt-tax, instead of the Beer-tax; but they had, with an honest and manly discretion, given up their own advantage, and had repealed the Beer-tax, because it was that which pressed most heavily on the labouring classes of the people. He repeated, that they deserved the greatest possible credit for the way in which they had acted, If, however, they were not seconded—if this Bill were not passed, and passed without the limitation now proposed—all that the Government had done would tend only to the benefit of the rich brewer. He contended, that hitherto there had existed a combination between the distillers and the brewers, which this Bill would destroy; and further, that if the Amendment were adopted, at least two-thirds of the benefit that might otherwise be anticipated from the measure would be prevented. The contest, in fact, was between a healthful nutritious beverage, for such Beer was, and demoralising and destructive spirituous liquors. He did not deny that, in consequence of the free trade in Beer, there might, at first, be some slight increase of inebriety; but, on the other hand were to be deducted the disorders, moral and physical, arising from the consumption of alcohol. Ale, taken to excess, might make a man dull and drowsy; but it would not ruin his health by destroying his liver. The hon. Member then adverted to the small increase in the number of Ale licenses, while, in the same period, the Spirit licenses had been multiplied to the extent of no less than 11,000. In the twelve years since 1818, it was shown, by the returns on the Table, that the consumption of Spirits had been augmented from twelve million gallons to twenty-four million gallons; and in exact proportion to the increase in the consumption of Spirits was the increase of crime. While, however, he heartily supported the measure, and resisted the Amendment, he was anxious that the change should be effected under proper guards which might be provided by alterations and additions that could be made in the Committee.

Mr. *Barclay* contended, that the various reductions in the duty on Malt had not been followed by a corresponding augmentation of the revenue; and he denied also that the brewers had been benefitted by the change. In reference to what had fallen from the hon. member for Shrewsbury, he insisted that there had been at no time a combination between the London brewers and the distillers, adding, that he had himself always been an advocate for a free trade in Beer. He had been one of the first to point out the injuriousness of the licensing system, both to the public and to the publicans; and in his evidence before a committee of the House, twelve years since, he had asserted, that it would be an increasing evil. That prediction had been fulfilled according to the confession of all sides; and he now asserted, without fear of contradiction, that as far as the interests of the London brewers were concerned, the freer the trade in Beer was rendered, the better for them. With their great capitals, and the means of applying them, they need fear no competition. The country brewers were, however, differently circumstanced, and to them the measure was fraught with utter ruin; to the interests of the publicans also it would be destructive, and for this reason he should support the Amendment. There was at least 3,500 persons in London whose property would be deteriorated by the Bill, and some respect ought to be shown to the number of petitions which had been presented against it. All those who not long since had voted for the continuance of the licensing system, must feel themselves responsible to the individuals who on the faith of Parliament had embarked their property in public-houses. The licensed victuallers were not unreasonable, and would be satisfied with a very trifling modification of the proposed law.

Mr. *Western* was decidedly hostile to the Amendment, and supported the Bill, because it would destroy the arbitrary and injurious power now enjoyed and exercised by Magistrates under the licensing system. Clauses might be introduced, establishing useful regulations, but he did not see what claim publicans could have to compensation, when at any hour they might be deprived of their licenses by the will and pleasure of the Quarter Sessions. Even if they were to be injured, private interests must be sacrificed to a great public advantage. He was satisfied that when the Bill came out of the Committee with the clauses intended to be introduced, many who now objected to it would give it their most hearty support.

Sir *E. Knatchbull* called upon the Chancellor of the Exchequer, in fairness, and for the convenience of proceeding, to state his views, and to open the amendments he proposed to insert.

The *Chancellor of the Exchequer* said, that he was at all times extremely ready to attend to the wishes of any hon. Member, relative to any measures of his own or of others, upon public business, and that he must of course be anxious to explain, in the fullest manner, any bill which it was his duty to submit to the consideration of Parliament; and if he had not done so on the present occasion, it was because he felt the proposed amendment to be so directly at variance with the principle of the Bill of his right hon. friend, that he thought it proper to ascertain what was the sense of the House upon such a proposition, before he proceeded to discuss the other details of the measure, which were comparatively unimportant.

The proposed Amendment, he had no hesitation in saying, was a direct infraction of the principle of the Bill; were it carried, the effect would be this—that the public, instead of being in a situation to have an improved commodity, would remain in that respect precisely as it stood now, with the superadded disadvantage of having a two-guinea license instead of a five-guinea license to authorize the business of the retailer. He would put it to the hon. Mover of the Amendment, whether this state of things was likely to promote the object which he professed to have in view,—whether it was calculated to satisfy the wants of the people, and remedy the enormous abuses which the hon. member for Reading had himself admitted, and which were daily justifying a wider extent of complaint. The hon. Member, in proposing his Amendment, had also broached some extraordinary doctrines of law; he said, that by the Common Law, the trade had been restricted. Now he (the Chancellor of the Exchequer) was not before aware that there were any restrictions at Common Law respecting the sale of Beer, beyond those which were necessarily implied in the preservation of the peace of the community. The Common Law left the trade free; it was the counteracting operation of the Statute-law which imposed restrictions. But the hon. member for Reading had put his view of this question upon two principles; first, as to the necessity of preserving the property which had, upon the faith of Acts of Parliament, been invested and engaged in this trade in particular neighbourhoods; secondly, as to the equal necessity of maintaining a strict police-regulation throughout the country, as referrable to the morals of the people. Now no man could feel more than he did for the well being of the pecuniary rights of this class of the community; and no man was more sensible than he was, that a certain diminution in the present value of their capital was likely to follow the adoption of this Bill—a result which he lamented as much as any man could; for from what he had seen of them, he believed them to be reputable men and well-deserving every special consideration which was not incompatible with the general good of the country. However, the only alternative before him was this,—whether he would lean towards the supposed interests of the smaller class, or towards that of the community generally. This being his situation, he could not hesitate upon the decision which he was bound to take under such circumstances. It really was unfair to look at the Bill through the narrow view which some hon. Members were disposed to take of its bearings. This measure went merely to extend the means of selling Beer for the benefit of the humbler classes of the community; but the old restrictions still continued to apply to those who sold Beer, with other exciseable articles; and it appeared from the evidence given before the committee up-stairs, that the value of dealing in those other exciseable articles was very considerable—a profit which, of course, the parties would retain, notwithstanding the provisions of this Bill. Then, as to the apprehended competition from throwing open the trade, as it was called: it was perfectly true that the increase of persons who, it was expected, would embark in this trade implied, competition, yet, was it likely that the existing possessors of large and well-conducted houses would lose the advantages they had acquired by the outlay of their capital, and the formation of a good connexion, resulting from the proper management of their business, by the mere setting-up of a few individuals with, perhaps, limited means, in the same neighbourhood? If hon. Members would look into the evidence given before the committee, they would see what was said by a gentleman who had a large public-house, in a district where a free public-house had afterwards, at no great distance, endeavoured to compete with him. When this individual was asked the effect of this competition, his answer was, that he did not fear the result; his trade continued as good as before; he took in the newspapers, he looked after the comforts of his guests, he studied their dispositions and wants, and had therefore no apprehension as to the result. What difference was there between this individual's case and others under circumstances of the like nature. The old establishments must have the advantage of experience and connexion, and therefore ought to have nothing to fear. Upon the general question he would distinctly say, let the entrance into the trade be free, and that once accomplished, let the individuals engaged in it be subject to whatever restrictions hon. Members deemed reasonably necessary. Indeed, if the larger principle were conceded to him, he was prepared with other clauses, which he was sure would obviate many of the objections made to this Bill. Among them was one to declare that none but an inhabitant householder should be permitted to embark in this trade, so as to guard against the introduction of persons without substance or a local residence, which could make them known in the neighbourhood. In the next place, he meant to propose that the householder should give two sureties, who were to be answerable for the penalties which the retailer was liable to incur. If the House would add any other regulations for the better ordering of these houses, he should willingly concur in them. But when the hon. member for Reading said, that his clause was necessary for the protection of the public, he must say, that he felt the contrary to be the fact; the clause was, in his opinion, a double delusion,—first, as regarded the orderly carrying on the trade; and next, as concerned the public. The hon. member for Reading said, that, only give him this clause, and he would find a remedy for all the other abuses of the system. He regretted that he could not acquiesce in his temptation; he should like to see the promised clause for remedying the evils of informers, and trusting in future to the informations of men of respectable character. He confessed he was unaware how this reformation was to be effected; it was a process of legislation of which he feared he must plead ignorance. From the best consideration which he had been enabled to give this subject, he believed the most unfounded apprehensions prevailed, both in the trade and out of the trade. He had seen a series of resolutions, which were agreed to on the 25th of March by the licensed victuallers of Nottingham, which, from the general intercommunication of the trade, might be taken as a fair specimen of the general understanding which prevailed in it through the country. These resolutions said, that the increase of retail-brewers was prejudicial to the public morals—and that increase of profligacy had followed their multiplication, without the slightest addition to the comforts of the humbler classes. Now, he was perfectly convinced this was true—it was the fault of the system which he sought to remedy; he was confident that the retail brewers, as at present constituted, gave no material addition to the comforts of the poor, and for this reason—that they were beset with restrictions and dangers, which impeded their exertions at every step under the provisions of the existing law. They were every moment brought by informations before the magistrates; the public morals were, he knew, outraged under the extension of the prevailing system, and that he believed must continue until the proposed alterations were adopted. He was also decidedly of opinion, that the moral control could be much better executed within than without the walls of the licensed victualler's house, and that even the contagion of bad example would be less felt when excluded from the public eye. In this respect he thought it very desirable that the consumption of Beer should take place rather on the premises than without the doors, for both the moral discipline could be, under such circumstances, better enforced, and the public nuisance, where it did arise, more effectually abated. With these opinions he must resist the clause of the hon. member for Reading. If, when the Committee decided on that proposition, they would let him go through and explain the other clauses, and then have the Bill as amended, printed, embodying the various practical suggestions which he had received, they would be better able to come to a clear view of the whole question, before their final decision: this was all he asked.

Mr. *Estcourt* was a friend to a free trade in Beer, but then that trade must be *bona fide* perfectly free. He could not see how his right hon. friend's regulations were calculated to promote that object; on the contrary, he thought those he had mentioned would prove futile. As to the Amendment of the hon. member for Reading, he thought that instead of improving matters it would make them worse. If it were carried, he certainly should propose another Amendment, providing that the Beer should not be drank within 100 yards of the premises where it was sold. He knew this was absurd, still it was a corollary from the other proposition.

Mr. *Cripps* wished the poor man to be enabled to buy his Beer wherever he chose, which it was the object of this Bill to effect, but he knew that there were reasonable apprehensions entertained in many parts of the country, that the measure would increase the number of public-houses unnecessarily. That the poor man should be enabled to buy his Beer freely was, however, different from his drinking it wherever it might be bought. Instead then of allowing him to drink it on the premises, he should wish to see him obliged to take it home and drink it with his wife and family. Besides, he was afraid that this Bill would take the control of public-houses out of the hands of the Magistrates, to the injury of the morals of the people themselves. He should, therefore, support the Motion of the hon. member for Reading.

Mr. *Maberly* thought that the publicans had a right to have their case fully heard. He assented to the principle according to which the clause in the Bill was drawn up, but he had two objections to the Bill. He did not think it contained police regulations of sufficient force; and it gave no time to persons who had embarked immense capitals in the Beer-trade to retire safely from it. He had always deprecated the licensing system, but after the House had sanctioned its continuance for so long a time, and thereby induced individuals to embark property in the Beer-trade, he did not think that the House would be acting right in agreeing to any measure which would bring those individuals to ruin. At least they ought to be allowed time, and he thought five years not too much to withdraw from the trade. He felt himself therefore bound, though favourable to the principle of free trade, to vote for the Amendment.

Mr. *R. Colborne* was of opinion, that if all the duty on Beer was to be repealed, a perfectly free trade in that article ought to follow, which, though at first it might create great fluctuations, would ultimately settle itself, like all other trades. He should therefore support the Bill as it was now brought forward. He wished the measure to have a fair trial, and next Session, if it were found to require some modifications they might be made. Instead of seeing the whole duty taken off Beer, he confessed he should have preferred if only 5*s.* had been taken off, and 1*s.* off Malt. By this means Malt would have been rendered cheaper, and its employment in the manufacture of Beer made general.

Mr. *F. Buxton*, while admitting that the fears entertained of this measure, as far as the brewers were concerned, had been greatly exaggerated, contended that the loss to the publicans would be as great, if not greater, than was anticipated. There had only been one or two instances of petitions being presented in favour of the clause under the consideration of the House, while hundreds had been presented against it. He did not mean to say that the measure would be positively bad; but it would at any rate, be questionable. By it public-houses might be opened during all hours of the night, and in any places, and no security was given for their being properly conducted, for the fine or penalty proposed by the Bill was no security at all. At present there was some difficulty found in keeping public-houses in good order, though the publican was liable to have his license taken away, which was equal to a fine of 500*l.* What then would be the state of the case where the fine was only 2*l.* 10*s.* He conceived that the other parts of the Bill contained innovations, sufficient to satisfy the advocates of free-trade, and he hoped the House would refuse to accede to the introduction of any more. If at a future period it should be found necessary to make any fresh innovations, then let them be done, but he thought some consideration ought at present to be extended to the publicans. He should support the Amendment of the hon. Member, which was exactly in accordance with a clause introduced into the bill of an hon. and learned Gentleman some years back.

Mr. *Huskisson*, who rose amidst loud cries of "Question," promised that he would not trespass more than five minutes on the patience of the House. He reminded the Committee, that when the right hon. Gentleman, the Chancellor of the Exchequer, informed the House, that the whole of the Beer-duty, amounting to 3,000,000*l.*, was to be repealed, that intelligence, gratifying as it was, was hailed with still greater delight, because it was stated that the remission of the duty was to be by no means the only relief afforded to the country; but that the annual expenditure of a million and a half would be saved to the country by the removal of those impediments, restrictions, and obstacles that grew out of the then existing system of the Beer-trade and of licensing. It appeared to him that the proposition of the hon. member for Reading was neither more nor less than this—whether or not the House was to give up the relief of one million and a half of taxes. The present licensing system was a great evil, and if allowed to continue, the evil would only increase, and be rendered more difficult of removal. It was his opinion, that if the monopoly which the brewer at present enjoyed were to be continued, and the tax taken off Beer, that monopoly would become more complete and more injurious than ever to the public. Having promised not to exceed five minutes, he would keep his word with the Committee and sit down.

Mr. *Brougham* did not think he should trouble the House so long as five minutes; but he could assure the right hon. Gentleman (Mr. Huskisson), that he had never known a promise, such as he had, made so accurately kept before. He was perfectly ready to admit that the bill respecting Beer introduced about six years ago, contained a clause expressly prohibiting the consumption of Beer on the premises where it was sold; but the ground on which he allowed the introduction of that clause was, because he had not the slighest chance of carrying any part of the measure, unless he had consented that that clause should form a portion of it. He, however, protested against it, considering that it created a great defect in the measure, and he had not altered his opinion on the subject.

Lord *Milton* thought, the House should not come to any conclusion on the proposition of the hon. member for Reading, until more information was afforded as to the mode in which the scheme of the right hon. the Chancellor of the Exchequer was to be carried into effect.

Mr. *Monck* said, that the clause he proposed seemed to him to leave the trade sufficiently open; and he did not think that the objections of the right hon Gentleman were as weighty as had been contended.

Sir *E. Knatchbull* hoped the hon. member for Reading would postpone his Amendment until the Bill was presented to the House in a more complete form. In all large towns, the result of the measure might have been correctly stated by its advocates; but in country districts he was sure it would lead to the opening of public-houses, not for the purpose of selling Beer, but for the sale of spirits, and those too not brought legitimately into this country. Before two years should pass over, the right hon. Gentleman would come down to the House with a proposition to amend his Bill. For these reasons, and in consideration of the immense property embarked in the Beer-trade, he should support the Amendment.

Mr. *Monck* said, he saw no advantage from postponing his Motion, and that he should press his Amendment to a division.

Lord *Milton* contended, that it was the duty of the Ministers before they proceeded further, to state fully the whole of their intentions.

A division took place—for the Amendment 142; Against it 180—Majority against Mr. Monck's Clause 38.

The Commitee then proceeded to take the other clauses of the Bill into consideration.

Mr. *Bright* said, that he could not refrain from stating his opinion. He looked on this as only a half measure, which, instead of making the trade free would merely extend the licensing system. There was a part of it which levied fines for the use of drugs in making Beer, and for using any other materials than malt and hops, and he did not see how these clauses could be carried into effect, without continuing all the excise regulations and restrictions. He contended, as the duty was taken off, that there would be no temptation to use deleterious ingredients, particularly if the duty on malt were also taken off, and therefore, he objeeted to continuing such sestrictions which would be very injurious, and would henceforth have no good effect whatever. Indeed if they were acted on, they would henceforth be doubly vexatious. Many shopkeepers and little retail dealers would sell Beer under the new Bill, and it would require a great additional number of excisemen to look after them, though no number, however great, would be sufficient to prevent them from adulterating Beer if they thought proper to do so. He must object to this, then, as a species of impracticable law-making. Competition was the principle of the Act, and to that, not to these restrictions, ought the House to look to give efficacy to its provisions.

The *Chancellor of the Exchequer* explained that the hon. Member would find all the Excise-laws, as far as they related to the sale of Beer, repealed in the Bill for abolishing the Beer duties. At the same time he contended that restricting the brewers to the use of malt and hops in making Beer, was necessary for the sake of the Beer-drinker. The restriction on the manufacture so far he supported. He also thought that unless the prohibition against adulteration were preserved, the people would be supplied with a worse liquor than ever.

Mr. *Benett* supported the clause. If a

man professed to sell one thing and sold another he deserved to be punished. Such a clause was necessary for the public safety. He wished to know from the Chancellor of the Exchequer, whether the present Bill affected the sale of Cider.

The *Chancellor of the Exchequer* explained, that the sale of Cider was to be put on the same footing as Beer.

Sir *Thomas Acland* declared, that it would be impossible to place Cider-cellars under the same regulation as Beer-houses.

Mr. *Hume* trusted, that the Chancellor of the Exchequer would reconsider this opinion, and leave those who dealt in Cider as they were.

Bill, with Amendments, reported to the House.

HOUSE OF COMMONS,

Saturday, May 22.

Sir Jonah Barrington.] The Order of the Day for the further consideration of the report of the Committee appointed to take into Consideration the Conduct of Sir Jonah Barrington, having been read,

Counsel for Sir J. Barrington, were ordered to be called in.

Mr. Denman appeared at the bar, and addressed the House for Sir J. Barrington. He observed, that he was instructed not to enter upon the merits of the case, but to confine himself solely to the course of proceeding which had been adopted. It had now, he said, become a constitutional principle that no Judge should be removed from his situation unless a clear charge of malversation could be made out against him. Then, supposing the suspicion of malversation to exist, the question was, what course of proceeding was to be adopted in order to ascertain the fact. He believed that the course which had been pursued with respect to Sir J. Barrington was quite unprecedented. The misconduct of Judges had frequently come under the consideration of Parliament. Two Select Committees of the House of Commons had each made a report condemnatory of the conduct of the present Chief Baron of Ireland for increasing his Fees; but the House refused to interfere, on the ground that it was not bound by the decision of a Select Committee. He understood, that on the present occasion, the Select Committee had pursued the investigation in the unavoidable absence of Sir J. Barrington. If that were the fact, and the House should act upon the report of the Committee, it would, in his opinion, be acting in hostility to the elementary principles of justice. He thought that the verdict of a Jury should be the foundation of the proceedings of the House. Sir J. Barrington might have been proceeded against by impeachment. If it were objected that that was a tedious and cumbersome proceeding, he could mention two others which might have been pursued. A *scire facias* could have been sued out to abrogate the patent of office; or a criminal information could have been filed by the Attorney General. The latter proceeding would have occasioned no delay. That course was still open, and he submitted that it was the most constitutional one to pursue. At all events, if the House resolved to take the matter into its own hands, it should hear evidence at the bar, and not decide according to the opinion expressed by a few of its Members. In his opinion the House of Commons was an unfit place for an investigation of this kind. No popular assembly did itself honour by erecting itself into a Court of Justice, and entering upon an inquiry, for which by its constitution it was incompetent. The present proceeding would establish a dangerous precedent, which might be fatally imitated in bad times. It was not an extravagant supposition, that on a future occasion the Ministers of the Crown might wish to get rid of a Judge, and to put another person in his place; and all that would be necessary to enable them to effect that object would be, to obtain a report from a Select Committee, as had been done on the present occasion. It was on behalf of all Westminster-hall that he entreated the House not to act upon the decision of a committee. If it should, no Judge, however correct in his office, would be safe against the attacks of a Minister.

Counsel withdrew.

Lord *F. L. Gower* observed, that he could not agree in the view taken by the learned gentleman. There was a great difference between the case of the Irish Chief Baron and the one under consideration; for in the former there were strong doubts entertained as to the degree of criminality, whilst in the present case there were none. He could not agree with the learned Counsel, that it was necessary to have the verdict of a Jury as the foundation of the proceedings of the House. The House would surrender up its power if it recognized such a principle. If that were the principle of the law or the constitution of Parliament, or of the country, he could see no reason why the Statute of the 12th and 13th of William 3rd should have been passed at all. In his opinion, it was a total misconstruction of that Statute, to suppose that it was necessary for Parliament to call for the decision of any other body of men in cases like the present. The learned Judge himself in the case now before the House, virtually submitted to its authority, by appearing before a Select Committee of Inquiry. He did not mean to contend that the House was bound to act on the decision of that committee. But the evidence given before it had been laid before the House; and, having examined it, the House ought to pursue that course which would best meet the justice of the case; and thus having maturely weighed the evidence, and well considered every part of the case, it appeared to him that no other course could be taken but that of moving an Address to his Majesty, praying for the removal of Sir J. Barrington from his office of Judge of the Admiralty Court in Ireland. The charges had been too clearly substantiated to admit of any doubt; and, as a proof of this, it should not be forgotten that the learned Counsel who had been heard at the Bar did not enter into any inquiry with reference to the merits of the case, and did not attempt to controvert the facts which were given in evidence. His Lordship concluded by moving "that the first Resolution of the Committee of Inquiry, with respect to the Conduct of Sir J. Barrington, as Judge of the High Court of Admiralty in Ireland, be read a second time."

Sir *R. Wilson* said, that when any inquiry, whether of a civil or criminal nature, took place in our courts of law, the defendant had the advantage of examining and cross-examining witnesses. He hoped that the same course would be pursued in this case, and that the House would not exercise its power, and call for the dismissal of the learned Judge without first hearing his witnesses.

The *Solicitor General* said, that having carefully examined the evidence, he was certain that he came to a safe conclusion when he averred, that a case was never more directly or distinctly made out against any man than was the charge preferred against the learned Judge. Leaving the parole evidence out of the question, and only making those statements which were given in under his own hand, he was bound to say, that every charge alleged against the learned Judge was fully substantiated. The orders written by him placed the matter beyond the possibility of doubt. The learned gentleman entered into a detailed examination of the evidence adduced before the committee, and argued that it clearly proved gross malversation on the part of Sir J. Barrington. He proceeded to say, that it had been asked why, instead of taking the course which had been pursued, a criminal information had not been filed against the learned Judge? He would answer, that the only reason why a criminal information had not been filed, or a criminal prosecution instituted, against the learned Judge was, his advanced age and his many infirmities. The present course was adopted from a feeling of compassion towards him. Ministers had taken this step, considering at the same time what was due to the country, and what was due to the situation of the learned Judge. Of this he was convinced, that no judicious friend of the learned Judge would have advised him to make the application which the House had this day heard. If a criminal information had been prosecuted, most unquestionably it would have been followed by severe personal punishment.

Sir *R. Wilson*.—He wished to brave it.

The *Solicitor General* said, those who had felt it to be their duty to investigate this business were not to be guided by what the learned Judge wished, but by their own view of what was most proper to be done. The question was, whether the present was or was not the most proper course of proceeding that could be adopted? In a case susceptible of doubt, he should be inclined to proceed differently; but there was no doubt here. The investigation, both by the Commissioners of Inquiry and by the Committee, clearly proved the truth of the charges. And why was a prosecution now demanded? Precisely for the same reason which had induced the learned Judge heretofore to throw every obstacle in the way of a speedy decision. The learned Judge was anxious for delay; but he hoped the House would feel that sufficient indulgence had already been extended towards him.

Sir *C. Wetherell* could not accede to the doctrine that the House ought to send this case before a Jury. If it did so, it would be a virtual surrender of the great privilege which the Constitution had conferred on the Commons of England. There was, however, another question, on which he entertained considerable doubt, namely, whether the proceedings before the committee were of such a nature as ought to be acted on judicially by the House. He felt so much doubt on that point, that he was induced to wish that the noble Lord's resolution should not be pressed at the present moment. It should be observed, that in cases of equal and of superior importance which had been brought under the cognizance of the House, the uniform practice had been to examine witnesses at the bar. This was the course which had been taken in the case of the Duke of York, and in many other instances. Indeed, it was quite unusual to take a condemnatory step against a public officer, without first hearing evidence at the bar. A proceeding of that kind did not imply a disbelief, on the part of the House, of the evidence given before a committee, or a doubt as to the propriety of its report; it was merely the carrying into effect a great constitutional principle.

Mr. *Harrison Batley* said, the evidence, as it stood, was conclusive, as to the delinquency of the learned Judge; but if evidence were called, and subjected to cross-examination, a very different case might be elicited. He was therefore in favour of hearing witnesses.

Mr. *C. W. Wynn* said, that there were both advantages and disadvantages connected with the examination of witnesses at the bar. Cross-examination, he admitted, was a very considerable advantage; but there was this great disadvantage, that many Gentlemen left the House after having heard the first part of the evidence, and others came in, who were thus only in possession of the latter part. In such cases, very few Members were acquainted with the whole of the evidence when they were called on for their decision. Besides, a spirit of party was often observable in an examination before a committee of the whole House, which tended to pervert the course of justice. He had, on some such occasions, seen men whose conduct was generally impartial, led, by the feeling of party spirit, into acrimonious dissensions, which diverted their minds from the real bearings of the case under consideration. With respect to what had fallen from his learned friend (Sir C. Wetherell), he doubted very much whether it was the uniform practice of the House to hear witnesses at the bar. The mode of proceeding by Address was essentially the same as proceeding by impeachment. In the case of Lord Melville, the proceeding originated in the report of the Commissioners of Inquiry, and the charge was afterwards investigated by a committee up-stairs: no evidence was called to the bar. Nothing was more common on questions of privilege than such a proceeding. In many of these cases the charge was considered in a committee up-stairs, and, on their report, the House pronounced its decision. He was surprised to hear it said that any hardship was inflicted on the learned Judge by the course which had been adopted. So far was this from being the case, that he did think it, to a certain extent, discreditable that the report of a commission, so deeply implicating Sir J. Barrington, should have been allowed to remain a year and a half upon the Table without steps being taken in the matter. Every opportunity was afforded to the party to defend himself, and, if possible, refute the charges brought against him. The right hon. Member, after tracing the steps taken by the commissioners, and subsequently by the committee of which he had been Chairman, observed, that all their acts evinced the greatest anxiety to give Sir J. Barrington a fair hearing. With respect to the course to be adopted now that the charges against the Judge had been proved, undoubtedly the House could proceed to address the Crown for his removal. Such a power was vested in Parliament; and as it had been given by the Statute, the only reasonable inference was, that it was intended to be exercised. That it ought to be resorted to on the present occasion also there could be no doubt. Indeed, if it were not for Sir J. Barrington's age and infirmities, he (Mr. Wynn) should have considered the case in the light of one calling for the exercise of still greater severity. Considering the great importance of keeping the judicial station pure and untainted, it was the duty of the Legislature, when judicial delinquency was proved, to punish it with adequate severity, and if, in the present instance, the House was not called on to proceed with the utmost rigour, it was solely ascribable to the circumstances of the party. He must protest against the proceeding of that day being drawn into a precedent in similar cases. The right hon. Gentleman further observed, that the cases of Judge Fox, Chief Baron O'Grady, and Mr. Justice Johnstone, were in many respects different from the present case, and Parliament did not deem it necessary to address the Crown upon them, but he contended, that the case of Sir J. Barrington clearly called for that proceeding. He then proceeded to prove, that there could be no reason for the House instituting a second investigation at the bar, of a matter which had been already distinctly established, unless some Member should be found to say that there were points connected with the case that required further elucidation. He was not of opinion that any further inquiry was necessary. Putting aside the testimony of witnesses, the documentary evidence arising out of papers, every one of them admitted by Sir J. Barrington as authentic, placed the case beyond the limits of controversy.

Mr. *D. W. Harvey* said, that in the able address delivered by Counsel at the bar, it was maintained, that Parliament had not the power to proceed by address to the Crown for the removal of Sir J. Barrington. Now, without going into the merits of this argument, considered in a constitutional point of view, he must dissent from it as inapplicable to the present case, inasmuch as it was at variance with the prayer of the petitioner, which was to be heard at the Bar, in order to disprove the charge; Sir J. Barrington thus recognizing the authority to investigate it,—an authority that would be altogether nugatory, if the House could not afterwards proceed to address the Crown for his removal. The hon. Member proceeded to quote, from the fourth report of the Commissioners of Inquiry into the state of the Temporal and Ecclesiastical Courts in Ireland, a part of the remarks applicable to the Admiralty Court. In reference to the emoluments of Mr. Pineau, the registrar of that court, the commissioners stated, that his average receipts in three years, ending 1814, were 216*l.* 13*s.* 4*d.*; but added their opinion, "that it was probable some advantage was derived by this individual from the custody of monies paid into court." He would be the last individual in the world to defend such a practice, but it was obvious that it existed, and further, as the commissioners stated, that "there existed no other security or responsibility for those monies than that which was to be found in the integrity of the officer." Thus it appeared that the registrar was the banker of the court, and if he had power to deal with its funds, it was competent to him to lend them to whom he pleased; he might lend a part of them to Sir J. Barrington. He admitted that it was discreditable to the country, and disgraceful to the Government, to allow a report to lie for years on the Table, in which such an undue use of the monies of suitors in a court of justice was stated, and to adopt no measures for the prevention of the evil. Still, looking at the case as it stood, it amounted to this,—Sir J. Barrington borrowed money from an officer of the Admiralty Court, who, according to the custom existing there, appeared to be justified in lending it. That was all. The hon. Gentleman then urged the House to call Sir J. Barrington to the bar, and ask him whether he had any testimony, oral or written, which he wished to lay before Parliament in explanation of the transaction, or in refutation of the charges adduced against him. This was all that was demanded by Sir J. Barrington, who stated, that he had such evidence to lay before the House, if an opportunity were afforded of doing so. Having intimated his opinion that the committee had somewhat deviated from the principle of impartiality in their report, and that they appeared to labour to produce a sort of *ad captandum* effect by insinuating that frequent misapplications of the funds of the court had been made for the convenience of Sir J. Barrington, the hon. Gentleman went on to say, that such misapplication was only charged by Mr. Pineau in two cases, those of the *Nancy* and *Redstreak*. The hon. Member then enumerated some of the details of those transactions, for the purpose of showing that, assuming the right of the Registrar to deal with the funds of suitors of the Admiralty, Sir J. Barrington was justified in borrowing a portion of them, the pecuniary responsibility resting between him and the Registrar. In conclusion, he hoped the House would allow this individual, aged and worn down by infirmities as he was, to appear at the bar for the purpose of offering evidence, oral or documentary, to rebut the imputations cast upon him. Sir J. Barrington had declared, that he possessed the means of exculpating himself, and in his petition courted further inquiry. The House would do well to grant his request: if Sir J. Barrington failed in his attempt, they would be justified in adopting ulterior measures, after giving him a fair hearing; if, on the contrary, this individual should succeed in establishing his innocence, no Gentleman in the House could regret the time spent in the investigation which should have enabled Sir J. Barrington to emancipate himself from the serious and imperishable consequences of an address of Parliament to the Crown to remove him from office.

Mr. *C. Wynn* said, that the hon. Gentleman would observe, that the documents referred to were interlined by the Judge. The hon. Member, too, thought that if the Registrar might lend the money of the suitors, the Judge might borrow it. Such a state of things would be monstrous enough; but it was not necessary to deal with this argument, because Sir Jonah Barrington, if he had borrowed the money, had borrowed it as gentlemen borrowed purses on Hounslow-heath. He made a peremptory order on the Registrar which subordinate officer to the Judge was bound to obey.

The *Solicitor General* again referred to the evidence to shew that Sir Jonah Barrington had appropriated the money to his own use.

Sir *R. Inglis* said, that the prayer of Sir Jonah Barrington's petition had been practically granted, and that the evidence taken before the Select Committee had been virtually admitted by Sir Jonah, by the course which his Counsel at the bar had thought proper to follow. Whenever a tribunal had been appointed to investigate this case, Sir Jonah Barrington had avoided going before it, and seemed to look out for another tribunal. The time for appealing to the Court of King's Bench, or to the House of Lords, had, he thought, gone by last year, and he should therefore support the Motion.

Sir *R. Peel* said, he thought the more convenient course would be, to consider the propositions before the House separately. His hon. and gallant friend (Sir R. Wilson) proposed, that they should abandon the proceedings before the House, and that a criminal process should be instituted against Sir Jonah Barrington. He could not acquiesce in this proposition. He would not leave it to a court of law to determine, on evidence strictly legal, whether there was ground for the removal of a Judge. If such a course were sanctioned, the law which provided for the independence of the Judges would be a curse instead of a benefit to the country. That Judges should be, as they were, independent of the Crown, no one, he supposed, would question; but was a Judge to be allowed to take advantage of that law which conferred this independence on him, to neglect his duty to the country? Surely not. Let him remind the House that there were many disqualifications, short of legal crimes, which would justify the removal of a Judge. If, for instance, a Judge should be guilty of gross and continued immorality, that would justify the House in addressing the Crown for the removal of such a person from the bench, though, in the eye of the law, it might not be sufficient for a formal sentence to that effect. Again, the absence of a Judge from the realm; pretended indisposition on the part of a Judge; advanced age or infirmities which unfitted a Judge for performance of the judicial functions; any of these circumstances would justify the House in addressing the Crown to remove a Judge. Was it to be endured that a Judge, who performed no duty, should be allowed to draw his salary from the public funds? Would it become them, the guardians of the public purse, to suffer this? There were many sufficient grounds, then, for an address for the removal of a Judge, though no legal crime could be proved against him. If he had a moral conviction that a Judge had committed acts which disqualified him for the judicial office, though he could not be convicted of any legal crime, he should think himself justified in joining in an address to the Crown for the removal of such Judge, without waiting for positive proof of the individual's guilt. On these grounds, therefore, he could not adopt the principle on which his gallant friend had founded his proposition. The second proposition turned on the question, whether it was competent for the House to proceed on the report of the Select Committee, or whether it ought to hear further evidence at the Bar before proceeding to address the Crown. He should be very sorry to sanction it as a rule, that in every case like the present they ought to examine evidence at the bar. If such a rule were to be admitted, he did not see the use of appointing a committee, and he would say, let them never appoint a select committee again. But in this case they had the report of a Commission appointed by Act of Parliament, and they had evidence taken on oath before that Commission in addition to the report of the Select Committee. The conclusion to which those authorities had come, and the conclusion to which he had come with respect to the conduct of Sir Jonah Barrington, was founded on documentary evidence, which Sir Jonah did not even now pretend that he could negative. Two different opportunities had been given to Sir J. Barrington to explain, or to rebut that evidence. By two different tribunals, Sir J. Barrington had been invited to do this, but he had neglected those opportunities, and he had not accepted those invitations. Upon these grounds he was morally convinced of Sir J. Barrington's guilt. If Sir Jonah had told them that he could disprove any, and what, part of the evidence, the case would have been different; but to a vague proposal of hearing evidence, which would only create further delay, he had no hesitation in giving his refusal. He deeply regretted the necessity of such a proceeding against a gentleman of advanced age, and belonging to an honourable profession, but he did not see how the House, upon which this duty exclusively devolved, could possibly avoid the performance of it, however painful it might be.

Sir *R. Wilson* contended, that Sir Jonah Barrington ought not to be punished until he had been legally tried. With few more than fifty Members in the House, and on an unusual day, they ought not to proceed to vote this Resolution; and he should therefore move, as an Amendment, "That Sir J. Barrington be called to the Bar, and asked what is the nature of the evidence he is desirous to produce." The House would then be able to judge respecting the admissibility of the evidence, and what ulterior measures should be adopted.

Lord *F. L. Gower* opposed the Amendment, on the ground that it would create further and unnecessary delay.

Mr. *A. Dawson* said, the reason why he seconded the Motion was, that he wished to have no vague mention of other evidence that could be offered. Let Sir Jonah Barrington be called to the bar, and let him be asked if he had any witnesses to call, and what were their names.

Mr. *D. W. Harvey* said, if it should appear, when Sir Jonah Barrington was called to the bar, that his object was delay till the next Session, he, for one, would not consent to it; but if he wished *bona fide* to have witnesses produced and examined immediately, he ought not to be refused; the less so, as there was reason to believe, that if the late Government had continued, this prosecution would not have been brought forward. He had seen a letter to Sir Jonah Barrington, from Mr. Lamb, now Lord Melbourne, in answer to one on the subject of the retirement of the former from his office as Judge of the Admiralty Court. The hon. Member then referred to the first salary received by Sir J. Barrington, as Admiralty Judge, which was only 500*l.* a-year; but afterwards, on the recommendation of Lord Stowell, to whom Sir Jonah's memorial on the subject was referred, it was raised—not to 2,000*l.* a-year as Lord Stowell had recommended, but to 1,000*l.* There was also a compensation which Sir Jonah was to receive for some situation he had held before the Union, and this compensation, it was understood, was to come out of the Droits of Admiralty. This feeling it was, that made him think he had some right to appropriate some of those droits. Sir Jonah might have retired at one time, and if he had, this prosecution would not have been heard of; he had some claims too on the country, and on these grounds he should support the Motion of the gallant General.

Sir *R. Peel* said, that at the time of the correspondence to which the hon. Member alluded, Mr. Lamb could have known nothing of the transactions in which the present case originated. Mr. Lamb's letter was dated 12th May, 1828, and the report of the law-commissioners on the subject of these transactions was not made till January 1829. As to the remarks of the hon. Member, respecting the understanding about the compensation from the Droits of Admiralty, the hon. Member himself must see, that, if urged as a defence, they must involve an admission of the fact of appropriation.

Mr. *D. W. Harvey* had only mentioned

them as the funds out of which the compensation was to have been given.

The *Solicitor General* had understood the hon. Member to urge the fact in vindication of Sir Jonah.

Mr. *W. Harvey*; Not in vindication; he vindicated nothing. He only repeated what was urged by Sir J. Barrington in his vindication.

Sir *J. Newport* remarked, that at the time of the correspondence with Mr. Lamb, there was nothing known of any charge of corruption against Sir Jonah Barrington.

Mr. Alderman *Wood* thought it but fair that Sir Jonah should be heard before he was condemned. Any prisoner at the Old Bailey, before receiving sentence, was asked what he had to urge why sentence should not be passed on him. No feeling of inconvenience to the House should prevent the accused from being heard.

Lord *F. L. Gower* did not speak of any inconvenience to the House. What he said was, that it would be inconvenient to public justice to let the matter stand over to the next Session.

Mr. *Dundas* said, the course proposed would be unusual after Counsel had been heard.

Sir *R. Wilson:* The Counsel argued the question only on constitutional grounds.

Mr. *C. W. Wynn* said, that when a party was heard by Counsel, he was bound by the defence set up for him. If he chose to have called witnesses, that was the time to urge the claim; but Counsel having retired without making any such demand, it was now too late.

The House divided:—For the Amendment 4; Against it 56—Majority 52.

The original question, that the first Resolution [for which see *ante*, page 485] be then read a second time, was agreed to.

On Lord F. L. Gower moving the second Resolution,

Sir *C. Wetherell* said, that as a constitutional question, he thought the address to the Crown, for the removal of a Judge from his office, ought to be founded on evidence taken at its bar, and not before a select committee. There were, he was ready to admit, circumstances in the present case which would justify a departure from the general rule for which he contended, as the charges here were mainly dependent on the written documents of the party accused; but those circumstances should be stated in the Resolution as the ground for departing from what he considered the constitutional practice. He threw out this as a suggestion for the consideration of the House.

Resolution agreed to.

At moving the third Resolution.

Mr. *C. W. Wynn* suggested, that as this was a serious malversation in office, a stronger expression ought to be used in the Resolution as applying to it.

Sir *Robert Peel* said, the difficulty in the adoption of the suggestion was this—that as the accused party had no notice, it would not be fair to him to alter the character of the delinquency now by any description different from that of which he had received notice. He was fully impressed with the importance of the argument of the hon. and learned Gentleman (Sir C. Wetherell,) whose very able view of the case entitled his suggestion to much weight. As a general principle, he would certainly admit that the hearing of evidence at the bar would, in a case like the present, be proper; but there were circumstances in it, particularly the evidence being chiefly documentary, which justified the departure from that principle in this case. It appeared to him that the case had legitimately concluded when the Counsel retired from the bar, and that the House would be fully warranted in leaving the special circumstances to be collected from the record.

The rest of the Resolutions were agreed to *seriatim*.

Lord F. L. Gower then moved, "that an humble Address be presented to his Majesty, requesting that he would be graciously pleased to cause the said Sir Jonah Barrington to be removed from the office of Judge of the High Court of Admiralty in Ireland."

Mr. *S. Rice* objected to the Motion, on the ground that no previous notice had been given to the House that it was the noble Lord's intention to move such an Address immediately on acceding to the Resolutions.

Sir *R. Peel* observed, that it was quite impossible to put Resolutions of this nature on record without following them up forthwith by an Address to the Crown as a necessary consequence. It would, of course, be requisite to give time to the committee which should be appointed to prepare an address in conformity with the Resolutions.

Mr. *C. W. Wynn* thought it inexpedient that Sir J. Barrington should be permitted to remain in office an hour longer than the proper forms would allow, after having been stigmatized by the House of Commons in such a manner as to render his continuance as Judge of the Court of Admiralty incompatible with the public interests.

Motion agreed to, and Committee appointed to carry it into effect.

Breach of Privilege.] At this stage of the proceedings a person in the Strangers' Gallery started up, and flung down a number of copies of a printed document on the heads of the Members in the body of the House. He was in the act of dispersing similar papers amongst the spectators in the gallery, when the Speaker ordered that he should be brought to the bar by the Serjeant at Arms. The offender, on being arrested, observed, with great composure, that he "cared little for that, as he had only done his duty." He was then placed at the bar, and interrogated as follows:—

The *Speaker*.—What is your name?

Prisoner.—William Clifford.

The *Speaker*.—Do you know this paper?

Prisoner.—I do.

The *Speaker*.—What induced you to be guilty of the offence of throwing a number of such papers into the body of the House?

Prisoner.—I have watched the effect of the laws passed by your hon. House for twenty-six years, and have perceived a great inconsistency between your laws and your professions. It has become impossible for an honest man to live in the country.

[The concluding words of his answer were quite unintelligible in the gallery.]

The Speaker then ordered him to withdraw.

Sir *R. Peel*, observing that there seemed to be no alternative but to order that he be committed to the custody of the Serjeant at Arms—made a Motion to that effect.

Sir *R. Wilson* suggested, that it was possible he might not have designed to offend the House, and recommended that he should be recalled and questioned further, with a view to elicit whether his motive was improper.

Mr. *Sadler* intimated his opinion that the individual was most probably not accountable for his actions.

Sir *R. Peel* reminded the hon. Member that it would be difficult to ascertain that point at the moment, and as they could not act on mere presumption, he thought the best course would be to let him remain in custody, at least until Monday, when the question as to his further disposal might be more easily decided.

Mr. J. Wood was understood to express his assent to this arrangement.

Motion agreed to.

The following is a copy of the papers distributed.

"The Iniquitous Cause of Poor-rates, Pauperism, and Crime Exposed.

"To the Judges, Magistrates, Clergy, and Gentlemen of the Vestry of the United Parishes of St. Giles in the Fields and St. George, Bloomsbury.

"My Lords and Gentlemen,—Both yourselves and the industrious inhabitants of these united parishes have lately experienced great and vexatious litigation, and other most evil consequences, all arising out of the cruel circumstances attending our present dreadful state of pauperism; but it will appear fully clear, upon a little reflection, by the statement which your petitioner is about humbly to lay before you, that the real and iniquitous cause of pauperism and poor-laws is but too successfully concealed from your view. You have just caused laws to be passed by the Legislature, the nature of which is, to compel the industrious housekeeper, whether father of a helpless family, a widow, or orphan, to give up a part of his or her dear-gained profits of industry to provide a miserable pittance for a degraded host of paupers, without having at all taken into consideration that the cause of pauperism may be ascribed to a monstrous conspiracy against the remaining free institutions of your once free, prosperous, and happy country! If this conspiracy had been known to have existed for sixteen years—at least—you would certainly have paused before you added another unjust weight of oppression to the already too monstrous pile of iniquity which is crushing the industrious community to the earth—first, in the name of taxes, excise, rates, rent, &c., and then by the most wicked and oppressive system of laws that ever degraded and demoralized a nation:—you could not have been sensible that it may be owing to this diabolical conspiracy that our laws place persons in power to watch till the industrious trades-person gains a few pounds by honest labour, which is no sooner discovered than those in power seize upon the industrious victims, and compel them to give up either the profits of industry or housekeeping, till at last they retire to a room—and from thence they continually become paupers, and are, after gross abuse, received into the workhouse, where they soon end their lives in a state of misery; and, finally, their bodies are either given to, bargained for, or stolen by the resurrection-man for the purpose of dissection: and that all this, my Lords and Gentlemen, may lead to the accomplishment of a powerful tyranny over the rising knowledge of the human mind. And yet, the late occurrences relative to these two parishes clearly prove that all this monstrous iniquity is in actual passing, without your being at all acquainted with so horrible a state of things. Could a bill have been so lately passed through both Houses of Parliament, and have received the King's sanction, to station a police soldiery at every man's door, to compel the parishioners to submit to such a state of things, if the high law-officers, the clergy, and peers, who are in so great a number in these parishes, had known that such a state of things does exist? Would such a bill have passed through both Houses of Parliament, and received the King's sanction as that which has so lately deprived the majority of the industrious inhabitants of the full power of removing a part, at least, of these horrible abuses, if the high law-officers, the clergy, and the peers of these parishes had known that all this monstrosity was intended to be perpetuated through the passing of such laws? No! it is impossible that men of liberal education, men of piety, and men of honour, could be knowingly guilty of so horrible a design upon mankind, the noblest work of God's creation. No! it is to the effects of misdirected laws and power we must attribute the beginning of this monstrous conduct—and it is to an habitual practice of that power we must attribute its continuance—but it is with a hope of now making a beginning effectually to put a stop to its destructive career, that your petitioner has had the courage to address you so promptly, so unexpectedly, and under so great a risk of his own personal advantage.

"My Lords and Gentlemen, the important information which your petitioner wishes to communicate is to the following effect:—He served as an active volunteer in the late war; and, through the nature of his rank and activity he ventured into the enemy's camp, and from thence he joined the camp of the allied powers just as they had crossed into France in the year 1814. By this means he gained the confidence of many noble chiefs of the allies; and one of these noble chiefs declared the following important fact to your petitioner—namely, that "it was the firm resolution of the allies not to lay down their arms until they had established such a system of laws and religion as should for ever prevent the people of any country from opposing their governments!" &c.

"Now, my Lords and Gentlemen, your petitioner will lay before you so much information relative to the above "firm resolution," as will not fail to open your eyes, and move your hearts and souls in behalf of the suffering poor of these realms. Your petitioner need not say much about the beginning of our late war with France—that event is too well known to all—he will only state so much of its consequences as came within his own knowledge and personal experience. It is universally known that it was owing to the misgovernment of the Bourbon kings that the people of France were compelled, in behalf of their rights, their liberties, and their very existence, to oppose their governments; and the consequence was, that the Bourbons were compelled to yield to the power of the people! But now, my Lords and Gentlemen, it will be imperious on you to weigh well in your minds the measures which the Government of George the 3rd, and of Mr. Pitt, adopted at that eventful epoch. It is well known that the people of England and Ireland were, at that time, suffering under some causes of complaint; and that our Government did not adopt wise measures to allay those causes of partial discontent, if any causes did exist, or if no causes of dissatisfaction did exist, that measures of humanity and kindness had not been tried, in order to set the whole nation right upon the matter. But the very contrary of this was resorted to. Ireland was suffered to be thrown into confusion by incendiaries!—her Parliament was corrupted!—her local Government was taken from her!—the manufactories of England and Ireland were partially put a stop to, and a war was declared. We cherished the fugitive oppressors of the people of France, and Mr. Pitt said, that "the raising the quartern loaf to 2*s.* 6*d.* was an excellent plan to pave the way for raising recruits and soldiers to go against France." So, therefore, the most powerful exertions were made for carrying on the incessant war; and by the time of renewed hostilities in 1803-4, all the monies previously possessed and borrowed by the Government were expended in paying supplies, large salaries, and pensions and sinecures, &c. &c. to the supporters of the war, &c.; and as these salaries, &c were to be continually paid, more money was continually borrowed at a most destructive rate of interest. A soldiery or army was raised after the following ingenious manner:—First, it was everywhere declared in the most public manner that the French were guilty of every thing bad! and every man, from the age of about fifteen to the age of about forty-five years, was seduced by every possible means to go either as a soldier, volunteer, or a sailor, in defence of his King, his laws, and the then happy and free institutions of his country, all of which were declared, by proclamation, and from the pulpit, &c., to be threatened by a most determined, inveterate, and powerful enemy.

"Your humble petitioner was one of those loyal subjects—just then grown to years full of credulity and inexperience, but too young to understand any thing of the deep-laid schemes of governments, he enrolled his name to serve as a volunteer in any part of Great Britain and Ireland, but was not to go abroad, nor to be retained in the service any longer than five years, or during the war. This was the general understanding as respected all the volunteers; and under such an understanding fathers left their helpless families—husbands their unprotected wives—sons their helpless parents—relatives those dependent upon them—apprentices their masters; and the whole lower orders of society were thrown into a state of wretched confusion, the poor helpless children and females were driven to pilfering, and, as they grew up, they began to practise every species of vice, and as now a laxity of morals took place, generally, new prisons, asylums, &c. have ever since continued to increase, till the whole kingdom is at last made to groan with their dreadful consequences; and thus you had a clear foundation laid for your state of pauperism and crime in Great Britain and Ireland; which I hope is made out fully clear to be understood by the humane and the wise, as it is for their use alone it is intended.

"Your petitioner now calls your humane attention to the treatment and circumstances relative to the soldiers who served as the instruments under that God to whose mighty throne the supplications of this kingdom were offered up to avert the dreadful scourge of war!

"Those soldiers who went as volunteers under the above conditions were taken to the Isle of Wight, Jersey, Guernsey, or some other dépôt, where measures were resorted to, to induce them to enlist for life. Another bounty was offered them, and full time to spend it in drunkenness, or any other way they liked best; but if they refused to enlist for life under these encouragements, they were then tyrannized over, and flogged under the least possible pretences; and this tyranny produced most fatal consequences during the whole time of the war. It was thus our Government managed to obtain soldiers and waste money, and to admit persons into a participation in the reins of Government which have ever since caused the springs of justice to be directed into a corrupt channel, where wisdom, humanity, and patriotism lie obscured, and can only be discovered through a loathsome thick slime of base hypocrisy; and this is the reason why Castlereagh had wound up all the powerful advantages which might have resulted to England out of the late war, and made them completely over to the detestable and impious Holy Alliance, to enable it—as it is "resolved" on doing—to establish a system of laws and religion which shall for ever prevent the people from opposing their governments—that is, in fact, to prevent and oppose the wisdom of God communicated to man—to create his own happiness, and glorify his wise Creator in works of wisdom, knowledge, prosperity, content, and freedom! But the designs of God are not to be thus frustrated, though his wisdom be opposed. This nation and America, and yet powerful France, still retain sufficient of that godly wisdom to crush this monstrous league, called Holy Alliance. The Duke of Wellington, Mr. Peel, and the King, are all in the whole secret of this abominable conspiracy!—but lest any influence should prolong the present dangerous and alarming state of these realms, so well calculated to throw the whole kingdom into confusion, for the purpose, perhaps, of destroying our only remaining safeguard—the liberty of the press, which your petitioner fears is intended,—he has taken this very open and public manner of communicating all this vital matter to this vestry, composed as it is of the first law-officers, of magistrates, clergy, and respectable gentlemen and tradesmen, who must be also acquainted with other influential personages; so that there is now an impossibility of things being any longer left in the present horrible state; all this must, therefore, compel the Government to adopt immediate wise and effective measures to remove all cause for further oppression, while it will instantly begin at the very foundation of the evil; and if that foundation be quickly cleared of the corruption which annoys it, there is no fear but that the industry, intelligence, and powerful means which England has long been in possession of—but which, owing perhaps to the above "conspiracy," have been paralysed and rendered a curse—will soon raise the sons of Great Britain and Ireland from their present degraded state of pauperism and crime to one of comparative independence, prosperity, freedom, and happiness.

"Thus your petitioner having, as he trusts and hopes, effectually drawn your serious attention towards the cause of our monstrous state of pauperism and crime, he will now solicit your attention to a subject relative to this election of assistant overseer. Thirty respectable candidates have offered themselves with strong testimonials, some of whom have held the important and high offices of churchwarden and overseer. Four only of those candidates have been fortunate, but as all were in want of employment, what means of support is devised for the unfortunate ones? The claims of your petitioner are as follow:—He was one of the first volunteers against Bonaparte when he threatened the overthrow of these realms. Your petitioner sailed in the first expedition against him; he served in the escort and protection of the King and Royal Family of Naples, to and in Sicily;—he fought at the battle of Maida, the first gained over the Emperor's army in the late war;—he fought in driving his armies out of Portugal and Spain, in which service he was made a prisoner of war; and this afforded him an opportuity to obtain intelligence which gained him the confidence of the Chiefs of the Royal Alliance, whence he derived the important information he has just had the honour of communicating to this vestry. Your petitioner was offered the protection and favour of the Emperor of all the Russias; but he thought proper to reserve his humble services for the use of his own Sovereign and country; and your petitioner was then appointed to accompany his Excellency Count Orloff to England, in bearing those important despatches which filled this great empire with all sorts of rejoicings, prayers, and offerings, in 1814, for the overthrow of that enemy who had so seriously threatened the destruction of the laws and institutions of this once happy country. But though your petitioner entered the service as a volunteer, and was strongly recommended to the Duke of York, yet, as he took proper measures for stopping the gross abuses that he witnessed whilst in the service, he was not found worthy of any reward, but was robbed of his arrears of pay, by those against whom he had complained, and, after receiving injustice, was finally left unprotected, unrewarded, and quite destitute on quitting the service. Your petitioner then acquired an excellent knowledge of the profession of schoolmaster, and had diligently and honourably raised himself to a respectable rank in society, and was in the year 1822 an inhabitant householder, with full means, according to all human probability, of always paying rent and taxes to the probable amount of 100*l.* sterling a-year; but he is forced to state that the laws are directly opposed to his following honestly and to advantage his profession, for a party entered his house, took off the fruits of his eight years toil, forced him to abandon all his laudable plans of procuring a respectable livelihood; and he has, through this monstrous injustice; sanctioned too in part by the chief magistrate of Bow-street, been forced to endure from 1822 to this date, a life of grief, privations, and trials in our state of civil society, no less trying than that he experienced while daring the elements of nature and the destructive implements of war; and, at an age when his powers of faculty and manhood are in perfect capability of procuring him every means of rational happiness, he is doomed by the inconsistency of the laws to procure his existence in the most abject way possible. But it is by submitting prudently to his mortifying condition that your petitioner is perfectly enabled to substantiate the statements of this petition in a just and reasonable tribunal, where he will also perfectly prove the great inconsistency of our precepts of religion and justice, and the inhumanity of punishment for crime and misfortune; whilst our system of laws is so framed and acted upon as to render it almost impossible to obtain the common comforts of civilized life by honest actions and just dealing; whilst every facility is afforded for the commission of crime and injustice! This is a brief but incontrovertible account of your petitioner, one of those thirty candidates. To what cause the others can attribute the necessitous reason for answering to your advertisement he knows not, but there is not any doubt on his mind but hundreds of thousands of intelligent, active, and industriously-inclined men and women of this oppressed kingdom could convince the real friends to humanity that the injustice of the laws are alone the true caue of their misery, wickedness, and depravity, if an advertisement were inserted in the daily papers to that effect. Therefore, under all the statements of this petition, and the other matters too numerous to be here inserted* your petitioner is justifiable in inferring that there are the strongest grounds for fearing that the Holy Alliance has, and is causing and using such influence with our Government as had prevented it from observing and preventing the monstrous progress of evils which have at length reduced the nation to a state capable of being very easily thrown into one of domestic confusion or civil war; which (as your petitioner could show from experience) might cause the most horrible consequences, whilst it afforded a pretext, as in the other countries of Europe, for tyranny to raise its sanguinary standard on the ruins of all that is noble, wise, and good. Your petitioner, therefore, prays that the whole of this petition shall be taken into your consideration, and that you adopt immediate measures to urge a remedy upon his Majesty's Government, and, as in duty bound, your petitioner will ever pray,

WILLIAM CLIFFORD,
One of the approved Candidates for the situation of Assistant Overseer,
May 7, 1830."

To the Rev. J. E. Tyler, Chairman of the Vestry held May 12, 1830.

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* See his other works corrected, viz. his printed Petition to the King, presented through the Lord Mayor and Mr. Secretary Peel, in the year 1823; and his Book of Facts, &c. addressed to the Administration, &c. in the year 1824, both on this vital subject.

HOUSE OF LORDS.

Monday, May 24.

MINUTES.] Petitions presented. By Lord TEYNHAM, from the Occupiers of Land in Leddlescombe, Sussex, against the Hop Duty. By Earl GREY, from the Cultivators of Tobacco in Waterford, against the proposed Duty on Tobacco grown in Ireland. By Lord DACRE, from Great Yarmouth, in favour of the Bill for removing Disabilities from the Jews. By Earl DARNLEY, from the Benevolent Society of Kilkenny, against the proposed increase of Stamp Duties (Ireland). By the Bishop of WINCHESTER, from Southampton, for the abolition of Slavery.

KING'S ILLNESS — MESSAGE FROM THE THRONE.] The Duke of *Wellington* stated, that he had a Message, signed by his Majesty, to lay before their Lordships. His Grace then placed the Message in the hands of the Lord Chancellor, who read as follows:—

"GEORGE R.

"His Majesty thinks it necessary to inform the House that he is labouring under a severe indisposition, which renders it inconvenient and painful to his Majesty to sign, with his own hand, the Public Instruments which require the sign manual.

"His Majesty relies on the dutiful attachment of Parliament, to consider, without delay, the means by which his Majesty may be enabled to provide for the temporary discharge of this important function of the Crown, without detriment to the public service."

The Duke of *Wellington* then rose, and spoke to the following effect:—My Lords, I consider it will be the anxious wish of your Lordships, to take the earliest opportunity of returning an answer to the Message which I have just had the honour of communicating to your Lordships by the King's command. I am confident that your Lordships will feel that sorrow which is common to all his Majesty's subjects on account of the lamentable indisposition with which, it grieves me to say, he has for some time past been afflicted. My Lords, I propose to defer to a future opportunity the motion that his Majesty's Message be taken into consideration, with a view to deciding upon the mode in which the desired relief may be afforded to his Majesty. I am convinced it will be your Lordships' wish not to allow a moment to pass, without expressing your Lordships' sorrow for his Majesty's indisposition, and your anxious hope that his health may be re-established at an early period. I am also satisfied that your Lordships will be anxious to express to his Majesty, your earnest desire to relieve him from the pain and inconvenience he has informed you he labours under in signing those public instruments and documents which require the sign manual. I do not apologize to your Lordships for bringing this matter now before you; but rather take credit to myself for seizing the earliest opportunity of proposing to your Lordships to concur with me in an humble address to his Majesty, in answer to the Message he has intrusted to me. My Lords, I will not take this opportunity of entering into a discussion as to the measure which his Majesty's Government may deem it advisable to propose, for the purpose of affording his Majesty that relief which he requires. This will be done by the Lord Chancellor to-morrow, and I shall accordingly now content myself with moving "That a humble Address be presented to his Majesty, to assure his Majesty that this House deeply laments that his Majesty is labouring under severe indisposition, and to assure his Majesty that this House earnestly and anxiously hopes that by the favour of Divine Providence his Majesty's health will be restored at an early period; that this House will proceed to consider, without delay, of the means by which his Majesty may be relieved from the pain and inconvenience of signing with his own hand those public instruments which require the Royal sign manual, and may be enabled to provide for the temporary discharge of that important function of the Crown, without detriment to the public interests."

Earl *Grey* said: Your Lordships will hardly imagine that I rise with the intention of opposing in the slightest degree the Address we have just heard read—in every word of which I sincerely and painfully concur, so far as it relates to the expressing of our deep regret for the lamentable indisposition of the Sovereign; and in saying this I am well assured I speak the common sentiments and feelings of this House; for the regret experienced in consequence of his Majesty's illness is deep and universal, and the hope of his recovery is cherished with the utmost earnestness by all ranks and classes of his subjects. So far I concur entirely with the Address; and I also concur in the course proposed by the noble Duke, of giving an immediate answer to his Majesty's Message, expressing those sentiments respecting his illness to which I have already alluded, and declaring our readiness to proceed as soon as possible to the consideration of the important measure which is to follow. My Lords, I feel the deepest and the most poignant regret for the illness of his Majesty, and I entertain sincere disposition to relieve his Majesty from everything which might render painful the last moments of his life, or which might in the least tend to throw any impediment in the way of that recovery to which all Englishmen so anxiously and earnestly look; but we are to consider that we have a very important duty to perform towards the public. I do not now mean to question the noble Duke as to the mode of proceeding which he means to adopt, to comply with his Majesty's request. This, we are informed, will be stated by the Lord Chancellor to-morrow. I cannot, however, help declaring, that I shall consider it my duty to take the first opportunity that presents itself of explaining my views upon the subject. The question is one which should be entered upon with all due feeling and respect for his Majesty, but at the same time we must enter upon it with a strong impression of its deep importance to the interests of the people. It is, in fact, neither more nor less than in some degree to delegate the Royal Authority. In providing then, my Lords, for the convenience and comfort of his Majesty, with that affection and reverence which we all undoubtedly feel, we must take care not to establish a precedent which might be dangerous to the future interests of the country. I, therefore, call on your Lordships to consider the question as one deserving of your most anxious attention. I do not know what course will be pursued by his Majesty's Ministers, nor do I wish to ask the noble Duke what it is; but I wish to observe, that in a matter of this importance —(which, by the way, has come in some degree unexpectedly on me, so that I have not had time to look into the precedents) —in a matter of this importance it behoves us to proceed most carefully, and I have no hesitation in saying, that the first point to which our attention should be directed is, to search for precedents respecting the delegation of the Royal Authority, if any can be found—and, perhaps, our first step should be to appoint a committee for this purpose. I shall not trespass longer on your Lordships' time; I only think it necessary to say thus much. I shall now conclude by repeating what I said at the outset—and it is, that however anxious may be the desire we entertain to afford all possible convenience and comfort to his Majesty, that we must yet, in devising the mode by which it may be best done, take care not to establish a precedent respecting the delegation of the Royal Authority which might be of dangerous consequence hereafter. My Lords, I felt it necessary to throw out these suggestions as to the grounds on which I may, on a future occasion, feel called upon to act.

The Address, as moved by the Duke of Wellington, was voted unanimously.

GREECE.] The Earl of *Aberdeen* said, that he had the honour to present to their Lordships the information referred to in his Majesty's Speech at the commencement of the Session, relating to the pacification and final settlement of Greece. He could not lay those papers on the Table of the House without taking the opportunity of expressing the sense which he entertained of the forbearance which the House had shown throughout the whole of these transactions. Not only had very natural curiosity been repressed, but discussion had been suspended, upon this important and extremely interesting subject. By acting in that manner, he thought the House had shown much sound discretion, and conformed to a just sense of the public interest, for undoubtedly, all premature discussion could only have tended to impede the progress of the negotiations, and, possibly, might have marred them. So far, however, from any desire having existed on the part of Ministers to take any advantage of their Lordships' forbearance, he could assure the House that they had always been most anxious to take the first opportunity of laying before the House all the information that could possibly be required. It had also been the wish of the Government to make the information as full and complete as possible. He knew it might be very easy to say that documents were imperfect and garbled—that mere extracts were given; but he could assure the House that the principle on which the Government had acted was that of furnishing the most complete and ample information, and he had only to add, that if, upon fair consideration, it should appear that further information was necessary upon any of the points in question, he had no desire to withhold it. It would manifestly be improper for him then to enter into any explanations respecting the contents of the papers, as other opportunities for doing that would arise after their Lordships had perused them; but perhaps he might be permitted to mention, in a few words, the principal transactions they referred to. The first class of papers consisted of the Protocols of the conferences of the plenipotentiaries subsequent to the treaty of the 6th of July. The papers commenced with the Treaty of the 6th of July, 1827, and he had great satisfaction in informing their Lordships that they concluded with the assent of the Porte, and of the Greek government, to the resolutions of the Allies. These papers were furnished entire, without abridgment or omission of any kind whatever. The next portion of papers consisted of Protocols of conferences of the Ambassadors of the three Powers with the Turkish government at Constantinople, subsequent to the Treaty of the 6th of July, 1827, and up to the period of the departure of the ambassadors from Constantinople. This was a very important part of the transaction, because the departure of the ambassadors, however necessary at the time, unquestionably gave a new character to the relations of some of the Allies and the Turkish government, and materially influenced the subsequent negotiations. This class of papers was also communicated entire, and without any omissions. The next class consisted of papers explanatory of an event of great importance in the course of these transactions, as being the first great step made to the completion of the great object of the treaty,—he meant the evacuation of the Morea by the Egyptian troops. He felt it was only justice to the gallant Admiral by whom the negotiations at Alexandria, having for their object the evacuation of the Morea, were carried on, to say that they were conducted with great ability and the most complete success. The papers furnished a clear history of the whole of that transaction. The next portion of the papers was connected with an event which excited great sensation in this country at the time, and might possibly have led to consequences of a serious nature,—he meant the establishment of the blockade of the Dardanelles by the Russian fleet, after his Imperial Majesty had declared his intention not to carry on a maritime war in the Mediterranean. That transaction would, he trusted, be fully explained by the papers, and he hoped their Lordships would think that the Government had done all which could be demanded by the honour of the country and the interests of his Majesty's subjects, without losing sight of the respect due to a friendly Power. He would take that opportunity of saying, what was eminently due to the commander of the Russian fleet, that he believed there never was in the history of the world a blockade so strictly limited in its object, and exercised with so much courtesy and forbearance, especially towards his Majesty's subjects, as the blockade in question. It had given rise to no complaint, and as far as he had been able to ascertain, it had been attended with no abuse of authority. The last portion of the papers consisted of explanations concerning the raising of certain Greek blockades at the period when the Greek territory was taken under the guarantee of the Allied Powers, and the Ambassadors of his Majesty and the King of France repaired to Constantinople, for the purpose of opening negotiations, of which the first condition was the establishment of an armistice. A full account of the discussions upon that point would be found in the papers. He had thus described the whole of the papers which he had laid upon the Table of the House. He had already stated that it would be improper for him to do more than merely describe the points to which they referred; but circumstances had occurred since he had last the honour of addressing their Lordships on this subject, and, indeed, since the adjournment of the House, which it was necessary for him to communicate. If he called their Lordships' attention to the contrast afforded by the object of the Treaty of the 6th of July, 1827, and the final decision of the Allies,—namely, the entire independence of Greece, coupled and compared with the limited and qualified independence, or rather the virtual dependence on the Porte, contemplated by the Treaty.—it was only for the purpose of observing, that when the progress of circumstances, of time, and events favoured the project of establishing the entire independence of Greece, it became obvious that the selection of a Prince to preside over that nation was a matter of great importance, difficulty, and delicacy. It would evidently require the exercise of much prudence and discretion to organize a state composed of such materials as Greece necessarily was. It would require also great prudence and discretion, after Greece had so long been in a state of hostility with the Porte, to maintain friendly relations in future with that Power. The Allies thought that they had found a Prince possessing such qualities in the person of his Royal Highness Prince Leopold. It was a choice honourable to his Royal Highness, and their Lordships would give him leave to add, honourable to Great Britain, for proceeding, as it did, entirely from our Allies, it gave evidence, on their part, of confidence and reliance in the upright and honourable policy of this country, which it might naturally be supposed would more or less influence the conduct of the new Prince. The choice was the more fortunate, because it was well understood that its object had long been the ambition of his Royal Highness, and had been solicited by him; and also because the Greeks had shown themselves desirous to have his Royal Highness for their Sovereign. The offer was made to his Royal Highness on the 3rd of February, and what might be called his Royal Highness's adhesion to the Protocol, although taken on the 11th, was only finally received on the 20th. From that day up to a very short period from the present moment, the negotiations with his Royal Highness had turned exclusively on a single point, and that was this:—by the provisions of the last Protocol, the Allies engaged, in consideration of the deplorable condition to which Greece was reduced, and the necessity of aid, as urged in the strongest manner by his Royal Highness, to furnish pecuniary succour to Greece, in order to enable his Royal Highness to raise and maintain troops for his safety. This succour was to be given in the form of a guarantee for a loan to be raised by the Greek government. In the execution of this engagement, it certainly was the opinion of his Majesty's Ministers that the demands of his Royal Highness were unreasonable. They thought it their duty to resist those demands, because they considered that they were not authorised to incur new obligations which were not justified by the wants of the State. They felt it their duty at the present moment not to expose this country to even the chance of incurring any burthen beyond what was indispensably necessary to carry into effect the object of the Treaty. But his Royal Highness maintained those demands with so much pertinacity, and, indeed, gave the Government so plainly to understand that he was fully prepared to renounce the situation which he had accepted, unless those demands were agreed to to the uttermost farthing, that the Government, seeing also that the Allies expressed their willingness to acquiesce in those demands, felt that Great Britain would be incurring an odious responsibility by taking on herself the destruction of an arrangement made in favour of a British Prince, however reluctantly, acceded to his Royal Highness's demands. This was the situation in which affairs stood when he replied to a question proposed by a noble Marquis some time ago. He then stated that nothing but minor points remained to be settled; those points being, not the amount of the loan, but the mode of effecting it, and the manner of repayment. He thought he was justified in describing those as points of comparatively minor importance. This was the state of affairs when fresh grounds of hesitation occurred to his Royal Highness. Late on Friday night Government received from his Royal Highness a notice that he was determined to renounce the situation which he had accepted, and he abdicated the place which had hitherto been the object of his ambition. He would not enter upon the reasons for that determination at present. Their Lordships should as speedily as possible have laid before them a communication of the whole of the correspondence which had passed upon this subject,—not only the final statement of his Royal Highness's reasons for this decision, but every paper necessary to explain the whole of the transaction up to its close. The papers should be prepared with all possible speed, to enable their Lordships to form an opinion on the subject. He certainly had hoped, in communicating to the House the papers he had laid upon the Table, that he should be called on to do no more than explain the course of the negotiation, and that it had been brought to a close. Unfortunately, it was clear that a supplement was necessary. Again he assured their Lordships, that that supplement should be produced as speedily as possible. He should be guilty of great dissimulation, if he said that he did not deeply lament the inconvenience and delay which must necessarily arise from the determination of his Royal Highness; but he had the satisfaction of assuring their Lordships that the most perfect union prevailed between the three Powers engaged in the transaction. They had all taken precisely the same view of the events which had led to this conclusion, and he confidently hoped, that by the continuance of the entire concord which prevailed, Government might be enabled, at no distant day, to bring the affair to a satisfactory issue.

Lord *Durham* rose, to enter his earnest protest against the unfairness of the noble Earl's proceeding. So far as regarded the noble Earl's historical relation of the contents of the papers which he had presented, he was perfectly satisfied; but the noble Earl, had gone further, and entered into a statement which amounted to neither more nor less than an accusation against Prince Leopold, founded on papers which were in his possession alone. He wished to learn from the noble Earl whether the grounds of hesitation urged by Prince Leopold, were not derived from intelligence received from Greece. He would not then enter into more detail, but he called on the House and the public to pause before they pronounced an opinion unfavourable to his Royal Highness. He had no doubt that, when the papers were presented, his Royal Highness would be found to have sustained the character which befitted his high and illustrious station, and advocated principles which would render him dear to the country which had adopted him.

The Earl of *Darnley* thought, that, in justice to Prince Leopold, the additional papers should be produced as speedily as possible. He wished the noble Earl to name the day when he thought they would be ready.

The Marquis of *Londonderry* said, that when he proposed a question on a former night, upon the subject of Greece, the noble Earl seemed to think that he was not treating the Government with the forbearance which was called for. Had the noble Earl then treated Prince Leopold with the forbearance which was due to him? His Royal Highness agreed to accept the sovereignty of Greece on certain conditions: had those conditions been complied with? It was also essential to know whether Austria, who had been a party to the Treaties of Paris and Vienna, by which the balance of power was settled, had consented to the arrangement. He wished the papers should be communicated in an ungarbled form. The inference to be drawn from the noble Earl's statement was, that it was merely a question of money with Prince Leopold. His Royal Highness had conducted himself in a most honourable manner since his connexion with this country, and had decided, he thought, correctly in refusing to accept the sovereignty of this new State. He was sure that his Majesty's Ministers could never establish any sort of kingdom there which would not, in the end, become the prey of Russia, and be divided or partitioned as Poland had been. The establishment of such a kingdom, he was convinced, would only lead to future wars, and he was very much deceived if he did not see those wars already in embryo. The consequences which would arise to this country, therefore, he apprehended would be of fearful moment. He should like to have the papers laid on the Table, in order to learn whether Russia, as he had stated upon a former evening, was the Power which had brought Turkey to agree to the arrangement, and whether she had not remitted a million of ducats out of the sum which Turkey was bound to pay her, in order to induce the Porte to consent to a settlement to which it was not previously disposed to accede. He called upon the noble Earl opposite to deny that, if he could. It was, he would repeat, a notorious fact, and he trusted the noble Earl would be able to give them some explanation on that point. He requested that the noble Earl would say, whether his statement, that Russia had been the Power which induced the Turk to accede to this arrangement for her own advantage, were correct; and he requested to ask to what date the noble Earl would go back in the documents which he meant to submit to the House, in reference to the negotiation with Prince Leopold.

The Earl of *Aberdeen* said, that the noble Marquis put so many questions, that he could not conveniently answer them at present. He would repeat what he had already stated,—that it was only late on Friday night that he received the information from his Royal Highness that he renounced the Sovereignty. Their Lordships might rest satisfied that they should have all the papers connected with this negotiation, from the commencement till the present period, laid before them; that not a syllable should be kept back, and that every atom of information that might be necessary should be afforded to them. But he would entreat their Lordships not to enter upon the discussion of this affair until all the documents were fully before them, and he trusted that no noble Lord would infer from any thing that had fallen from him, that he had pronounced any opinion upon the conduct of Prince Leopold. What he had stated, he had felt bound to state in justice to himself. It was only a short time ago that he had declared to their Lordships, that nothing prevented the final completion of this arrangement but matters of minor importance, and therefore lest their Lordships should suppose that he had been guilty of the grossest falsehood, and in order to set himself right with their Lordships, he felt bound to state that it was only within the last few days that a difference had arisen, and had been taken up on grounds with which he was not, of course, acquainted at the time he made that declaration. When the whole of the papers were in the hands of their Lordships, he should be able to give an explanation of the whole transaction, and until then he would entreat their Lordships to suspend their opinion on the subject.

The Marquis of *Londonderry* said, that

he was of opinion that some of the observations of the noble Earl were an unnecessary reflection on the Prince, and therefore that some further explanation was due to him.

The Marquis of *Lansdown* was not willing to put any question that was not necessary, where the interest of an illustrious and excellent individual was concerned; but his noble friend having accompanied his presentation of these papers with a statement which might create prejudices, it became necessary that he should be clearly understood. He wished to inquire therefore whether the refusal of Prince Leopold was founded upon money transactions; or upon other circumstances arising out of the situation of Greece.

The Earl of *Aberdeen* replied, that before his Royal Highness had agreed to accept the dignity, a discussion had taken place, which terminated on the 20th of February, by his Royal Highness's acceptance of the offered Kingdom. Subsequent to that time, up to the last week, no question was agitated with his Highness but that of money; but in the last week new grounds of difference arose, and the resignation had reference to them, as the noble Marquis intimated.

The Earl of *Darnley* thought this statement would cast reflections on a high personage, and he wished to know when the papers could be produced.

The Earl of *Aberdeen* would produce them as speedily as possible, and probably by Friday next.

The Earl of *Winchilsea* thought, that the fair course would have been, for the noble Earl to have abstained from all statements until the papers were before the House.

The Marquis of *Bute* had clearly understood the noble Secretary of State to say, that the Prince's resignation was totally distinct from any question of a pecuniary nature.

Earl *Grey* could not but regret that the noble Earl had not refrained from saying anything on the subject until he had all the papers ready. *Ex-parte* statements had been made, calculated to cast a heavy imputation on the Prince, from which he could not be relieved till the papers were produced. All papers prior to the 20th of February should be produced, and he wished to know whether, when the papers were produced, the noble Earl intended to found any motion upon them.

The Earl of *Aberdeen* had every disposition to give all the papers; but at present he had no intention of founding any motion upon them.

Lord *Holland* asked, if the noble Earl did not intend to found any motion, either upon the papers already produced, or that were to be produced?

The Earl of *Aberdeen* replied, certainly not.

FOUR AND A HALF PER CENT DUTIES.] The Marquis of *Lansdown* wished to ask the noble Duke, whether he had any objection to produce the warrant or order under which, for the last two years, the 4½-per-cent duties levied upon Sugar, had been remitted?

The Duke of *Wellington* had no objection to give the information, if the noble Marquis would move for it regularly.

The Marquis of Lansdown gave notice that he should move for it to-morrow.

EAST RETFORD.] On the Motion of the Earl of Shaftesbury, the House resolved itself into a Committee upon the East Retford Disfranchisement Bill, and examined witnesses thereupon.

HOUSE OF COMMONS.

Monday, May 24.

MINUTES.] William Clifford, who committed a breach of privilege on Saturday, May 22, was discharged, on petitioning the House, without the payment of any fees.

A Bill was brought in by Mr. Wm. Peel, to suspend, for a limited period, the Ballotting for Militia.

Petitions presented. Against the increase of Duty on Corn Spirits, by Lord Oxmantown, from the Landed Proprietors of Warrenstown and Cootestown:—By Sir J. Sebright, from the Farmers attending the Tring Corn Market:—By Sir J. Mackenzie, from the Freeholders of the County of Ross. Against the punishment of Death for Forgery, by Lord Oxmantown, from the Managers of the Local Bank at Athlone:—By Lord Althorp, from Richard Payne:—By Mr. R. Smith, from Chesham:—By Mr. Dickenson, from Glastonbury:—By Mr. A. Ellis, from the Congregation of Bury-street Chapel, St. Mary Axe; and the Protestant Dissenters of Windsor Chapel, Salford:—By Lord Clifton, from Canterbury:—By Mr. Denison, from Camberwell:—By Sir M. S. Stewart, from Glasgow:—By Dr. Lushington, from Stockton, Macclesfield, Bristol, Spalding, Holstein, Woburn, Reading, Farringdon, and Halstead:—By Mr. Lennard, from Coggeshall:—By Mr. Protheroe, from Neath:—By Mr. Pendarvis, from Redruth:—By Mr. F. Buxton, from Bridgwater, Lothbury, Basingstoke, Rochdale, Great Yarmouth, Blackburn, Clonmel; from the Protestant Dissenters of Brighouse; from the Lewisham-street Chapel, Westminster; from Ryegate, Chudleigh, Monmouth, and the Inhabitants of London and Westminster:—By Mr. Brougham, from Newport, in the Isle of Wight, Stockton-upon-Tees, Wakefield, Craven, in the West Riding of Yorkshire, and from Bankers established in the Cities and Towns of Edinburgh, Dublin, Glasgow, Manchester, Liverpool, Chester, Belfast, Birmingham,

Litchfield, Wednesbury, Bilston, Dudley, Wolverhampton, Bristol, Bath, Leith, Huddersfield, Mirfield, Dewsbury, Leeds, Plymouth, Devonport, Tavistock, Portsmouth, Norwich, Sheffield, Rotheram, Nottingham, Sunderland, Newcastle (Tyne), Durham, Darlington, Stockton, Richmond, Leyburn, Ripon, Knaresborough, Boroughbridge, Thirsk, Aberdeen, Paisley, Tiverton, Collumpton, Honiton, Barnstaple, Ilfracombe, Bideford, Torrington, Totness, Newton Abbott, Exeter, York, Yarmouth, Beccles, Stockport, Wigan, Worcester, Evesham, Ipswich, Needham Market, Woodbridge, Hadleigh, Manningtree, Banbury, Shipston, Bicester, Oxford, Carlisle, Brighton, Lewes, Reading, Maidenhead, Henley, Windsor, Lynn Regis, Canterbury, Lancaster, Chelmsford, Winchester, Southampton, Bury St. Edmund's, Guildford, Kendal, Chippenham, Salisbury, Ringwood, Poole, Bradford, Halifax, Wakefield, Pontefract, Doncaster, Barnsley, Derby, Inverness, Burton-on-Trent, Leighton Buzzard, Newport Pagnell, Burslem, Hitchin, Bedford, Newbury, Abingdon, Wallingford, Uxbridge, Fakenham, Wisbeach, Truro, Falmouth, Penzance, Helston, Penrith, Kirkby Thuce, Workington, Chesterfield, Teignmouth, Kingsbridge, Dartmouth, Bridport, Yeovil, Dorchester, Blandford, Harwich, Saffron Walden, Tewkesbury, Cheltenham, Cirencester, Tetbury, Faringdon, Burford, Dursley, Romsey, Basingstoke, Odiam, Hereford, Ross, Dickenfield, Leominster, Ledbury, Royston, Hemel Hemstead, Gloucester, Stroud, Dartford, Ramsgate, Margate, Deal, Boston, Spalding, South Spilsby, Horncastle, Staines, Newport (Monmouth), Monmouth, Chepstow, Diss, Northampton, Towcester, Wellingborough, Daventry, Wellington (Salop), Shifnal, Coalbrook-dale, Bridgenorth, Wenlock, Trowbridge, Wells, Frome, Wivelscombe, Wellington (Somerset), Taunton, Leek, Congleton, Halesworth, Sudbury, Stow-market, Reigate, Croydon, Rye, Hastings, Kirby Lonsdale, Swindon, Malmesbury, Marlborough, Melksham, Devizes, Stourbridge, Skipton, Settle, Selby, Howden, Scarborough, Malton, Whitby, Pontypool, Abergavenny, Brecon, Carmarthen, Swansey, Neath, Haverford-west, Annan, Cupar, Auchtermuchty, Dumbarton, Elgin, Forfar, Galeshiels, Jedburgh, Kirkcaldy, Wigtoun (Scotland), the following Petition:—

"That your Petitioners, as Bankers, are deeply interested in the protection of property from Forgery, and in the conviction and punishment of persons guilty of that crime.

"That your Petitioners find by experience that the infliction of death, or even the possibility of the infliction of death, prevents the prosecution, conviction, and punishment of the criminal, and thus endangers the property which it is intended to protect.

"That your Petitioners, therefore, earnestly pray, that your honourable House will not withhold from them that protection which they would derive from a more lenient law."

Against the Marriage Act, by Lord Viscount MILTON, from Free-thinking Christians at Dewsbury. For holding Assizes at Wakefield, by the same noble Lord, from Heckmondwike, Dewsbury, and Burstall. Complaining of the manner of electing Grand Juries in Lancashire, by Mr. J. WOOD, from the Inhabitants of Liverpool. For an alteration of the Law relative to the Conveyance of Parcels, by Sir T. D. ACLAND, from the Coach Proprietors of England and Wales. Complaining of the Conduct of the Police of Ireland, by Mr. O'CONNELL, from Lawrence Sinnane. For the repeal of the Parish Vestries Act (Ireland), by the same hon. Member, from St. Mary, Cork; and Cloyne, Priest, and Butler's Town. Against Tithes, by the same hon. Member, from Butler's Town. Against the Duty on Coals carried Coastwise, by Lord W. POWLETT, from the Ship-owners of Newcastle-upon-Tyne and Shields. Against the Governor of Madrass continuing to hold the situation of Representative for Canterbury, by Mr. P. THOMSON, from the Freemen of Canterbury. In favour of the Liability of Landlords Bill, by Mr. FYLER, from the Overseers of the Poor of St. Michael; and the Holy Trinity, Coventry. For a revision of the Poor Laws, by Mr. DENISON, from Godalming. Against the Truck System, by Sir M. STEWART, from Parkhead:—By Mr. BENETT, from Bradford (Wiltshire). Against the Scotch and Irish Poor Removal Bill, by Mr. DENISON, from the Overseers of the Poor of St. Mary Magdalen, Bermondsey. Against the Sale of Beer Bill, by Mr. BANKES, from the Publicans of Sherborne:—By Mr. W. HOLMES, from the Publicans of Bishop's Castle. Against the assimilation of Stamp Duties (Ireland), by Mr. J. GRATTAN, from Persons in the County of Wicklow:—By Mr. O'CONNELL, from Carrick-on-Suir. For the Abolition of Slavery, by Mr. MARSHALL, from Protestant Dissenters at Branley, at Leeds, and at Holm Firth:—By Lord MILTON, from Protestant Dissenters at Brighouse, Northowsam, Heckmondwike, Morley, Churwell, and Kawden:—And by Lord J. RUSSELL, from Kinsale.

IRISH AND SCOTCH PAUPERS.] The Sheriff of London appeared at the bar, and presented a Petition from the Lord Mayor, Aldermen, and Commons of London, in Common Council assembled, against the Bill for the removal of Scotch and Irish Paupers. The Petition was read on the Motion of

Mr. Alderman *Wood*, who said, that in supporting its prayer he was sorry not to see in his place the noble Lord who had introduced the Bill, against which the Petition was directed, but he hoped the noble Lord would not persevere in it. Many of the Irish poor were employed about London, and if the parishes there were compelled to send them to their native land, it would occasion very considerable expense. No provision was made against their return, and the consequence would be, that they would get a passage in a caravan or a mail-coach, and a steam-boat to Ireland, with the advantage of a pedestrian excursion to bring them back. As to punishing these people, as he understood was proposed, who came here honestly to earn their bread, that was what he never would consent to. But he believed that the Irish Pauper was too cunning not to escape through the meshes of the law. At present he raked together a little money in various places, and carefully concealing it, whenever he could get no more he got himself sent back to his own country at the public charge. In 1816 he had sent great numbers of them to prison, and they had been sent home, but they had soon found their way back. Already the expense occasioned by these Paupers bore very heavy on many parishes in the city, and he hoped that the House would not pass a Bill which would increase their burthens.

Sir *John Wrottesley* thought, that the parishes about London, which had the benefit of the Pauper's labour, should provide for his maintenance or his removal. That was the just principle of our Poor-laws. To send these Paupers by caravans to Liverpool cost more than to convey them by the mail, and he did not know why the different counties lying between London and Liverpool should bear a large proportion of this expense when they had never derived any benefit from the Pauper's labour. The charge ought to be defrayed by the parishes in which they worked.

Colonel *Davies* thought the present system injurious. The Irish labourer came to this country, and underworked the English labourer, and when he was tired of stopping, or could gain no more, he got passed back to his own country, taking care to conceal his money or obtaining a bill for it which was paid in Ireland. He would say, that the best way would be, not to interfere with them, and as they found their way here so let them find their way back. An English Pauper could get no relief in Ireland, and he would treat the Irish Pauper in England as the English Pauper was treated in Ireland.

Petition to be printed.

THE KING'S ILLNESS—MESSAGE FROM THE THRONE.] Sir R. Peel brought up a Message from his Majesty, which was read by the Speaker, and for which see the Debate in the House of Lords [*page* 986].

Sir *R. Peel* then said: I am confident that I shall be acting in concurrence with the unanimous feeling of the House, if I proceed immediately to move an Address, expressive of the deep regret of his Majesty's faithful Commons at the intelligence just communicated, respecting the indisposition under which his Majesty is labouring, and conveying to the foot of the Throne the earnest prayer of the House of Commons that his Majesty may be speedily restored to health. The Address I shall propose will, in addition, merely pledge the House to take into consideration, with the least practicable delay, the means which may enable his Majesty to provide for the attachment of the royal signature to the public instruments that require it. Perhaps it may be convenient to state that the bill for effecting the object in view will originate in the House of Lords, and it will therefore not be necessary to move immediately that the Message be taken into consideration. I beg to move "That an Address be presented to his Majesty, to return the thanks of this House for his most gracious Message—to assure his Majesty that his faithful Commons have heard with the deepest regret that his Majesty is labouring under severe indisposition, and that they earnestly pray, under the favour of Divine Providence, that his Majesty may be speedily restored to health—to assure his Majesty that this House will, with the least practicable delay, proceed to the consideration of such measures as may enable his Majesty to provide for the temporary discharge of that important function of the Crown referred to in his Majesty's most gracious Message."

Mr. *Brougham* said, I beg to second the Motion of the right hon. Gentleman; and in doing so I consider that I adopt a proceeding by no means inconsistent with my deep impression of the great importance of the Motion. The course we have to pursue is, I believe, unprecedented. We shall derive no light upon it from the practice of former times, in either House of Parliament. I deem it consistent with the last part of the Address, which expresses the determination of the House, speedily to provide for supplying the defect in the discharge of the Royal functions, in the way best adapted to the exigencies of the public service, to state that we ought to take those steps most cautiously and deliberately, and in a manner best calculated to prevent any rashness on our part from being drawn into precedent. I wish to abstain, for obvious reasons, from making a single remark not necessarily called for; but all must be aware of the danger, in cases of this sort, that may arise from rashness of proceeding, and the necessity of never adopting a course which hereafter may be employed in a manner which, while adopting it, we are far from contemplating. When driven to a necessity like that which now unfortunately exists, we must guard most scrupulously against the possibility of a door being opened which our successors may have cause to wish had for ever remained closed.

The Address was carried *nem. con.*

GREECE.] Sir *R. Peel* brought up and laid upon the Table, by command of his Majesty, Papers relating to Greece. In moving (he said) that they do lie upon the Table, I feel it my duty, as the House has had no opportunity of becoming acquainted with the contents of the Papers, not only to abstain from any discussion upon them, but from all reference to them. It may be convenient, however, to state shortly what are the transactions to which they refer. They may be divided under three heads: First, Protocols from the date of the signature of the Treaty between this country, France, and Russia, on the 6th July, 1827, to the 14th of the present month: Second, Protocols of Conferences which took place at Constantinople, between the Ministers of the Allied Powers and the Porte, from the period of the signature of the Treaty to that of the departure of the Ministers of the Allied Powers from the Turkish capital: and Third, documents relating to three transactions, not immediately connected with the execution of the Treaty, but still growing out of it, and which Parliament expressed a desire to have an opportunity of inspecting. Those three transactions are—The Convention concluded at Alexandria by Sir E. Codrington, for the evacuation of the Morea; Papers relating to the blockade of the Dardanelles by Russia, and to the circumstances connected with it; and documents regarding the raising of the Greek blockade at Patras and other places. I feel it my duty also to state, that the expectations entertained by his Majesty's Government, that his Royal Highness Prince Leopold would become the Sovereign of Greece, have been disappointed, and that he has signified to his Majesty's Government his determination to relinquish the trust he had undertaken. All the papers connected with the acceptance of the trust, and with its resignation, will be presented to the House in the course of a few days, and until the House is in possession of the requisite information, it will be much better for me to abstain from making any observations.

Mr. *Brougham* said, that he had heard without the least surprise what had just fallen from the right hon. Gentleman, for, from certain tokens that he had observed, and certain documents he had seen, he was prepared to expect it. He would, for the present, abstain from further observations, as the papers were not in the hands of hon. Members. The documents laid on the Table, as the House would see, were very voluminous; but if the short account which he had read was to be relied on, the documents were much more voluminous than the questions settled by them were either important or numerous. It was his opinion, that those questions would be found within a narrow compass; narrow, however, as it might be, he thought perhaps that the most advantageous course was, not to raise any discussion, until the House had time to consider the information laid before it.

Mr. *Hume* wished to inquire of the right hon. Gentleman opposite, if those papers contained any information relative to the sums which this country might be called on to pay by any guarantees it had entered into connected with those transactions?

Lord *John Russell* wished also to ask a question, relative to the difference between Prince Leopold and the Allied Powers—it was said that there were some points of difference between them on the subject of a loan—some bartering about money. Rumours of that nature were injurious to the honour and character of the illustrious personage in question, and, therefore, it was material that the matter should be set right with the world. It was also said, that the proposed territorial limits of Greece formed matter of dispute. Now, he wished to know which of these, or whether it was on both, that the difference arose, that brought about the unfortunate termination of those negotiations?

Sir *Robert Peel* said, he laid the documents on the Table of the House, and in doing so he conceived it was proper to state what they were, but strictly to avoid any comments upon them until they should be in the hands of hon. Members. He thought he was bound to observe that course in fairness to the House, and to the parties interested, he being now acquainted with their contents, and other hon. Members not having that advantage. As to the questions which had been asked, he should willingly reply to them, but in doing so he wished to avoid all discussion. In answer to the question of the hon. member for Aberdeen, he had to state, that full information would be found in those Papers respecting the pecuniary engagements of this country, arising out of the negotiations to which the papers he had just laid upon the Table of the House referred. The noble Lord opposite inquired whether differences respecting loans, or a disagreement relative to the proposed territorial limits of Greece, formed the grounds on which the negotiations were broken off. On a former occasion he stated, that all the great points had been settled, which, up to that time, had been raised between the Allies and Prince Leopold. He understood since, however, that points of difference arose which were of a pecuniary nature. The Prince's resignation, however, was also connected with other questions. The House, he repeated, would be in possession of the Papers before four-and-twenty hours, and then, but not until then, he should consider that they were in a condition to discuss the question.

Mr. *Agar Ellis* was desirous of knowing whether it was information recently received from Greece that decided Prince Leopold in breaking off those negotiations?

Sir *Robert Peel* said, that in the communications between Prince Leopold and his Majesty's Government, his Royal Highness stated, that in despatches received from Greece, he certainly had received information which had decided his conduct on the matter of his resignation.

Mr. *Brougham*, adverting to what fell from his noble friend behind him, in which the resignation of Prince Leopold was spoken of as 'unfortunate,' confessed that he considered it as anything but unfortunate. He should rejoice in anything calculated to promote the honour and glory of that illustrious personage, but he could not help considering it an excellent thing that his resignation enabled this country to avoid the entanglement which the acceptance of that Sovereignty might eventually have brought about.

Sir *Robert Peel* again recommended the postponement of any further discussion until hon. Members were in possession of the papers.

Lord *John Russell* explained—he used the term 'unfortunate' in the usual way in which that term was applied to ne otiations terminating unsuccessfully.

The Cape of Good Hope.] Lord *Milton* rose to present a Petition from British Settlers and others resident at the Cape of Good Hope, praying for a Representative Government. After calling the attention of the House to the importance of the question which the Petition raised, the respectability of the parties petitioning, and the obligation there lay upon the Legislature to protect the inhabitants of that colony from the effects of arbitrary power, he proceeded to say, that he considered the arbitrary imposition of taxes as one of the most objectionable exertions of arbitrary power. The Petition which he held in his hand was from British Settlers, who desired to carry with them to the colonies where they settled, the privileges which were the boast of their native country; and which they were accustomed to enjoy before they left it. In order to convey to the House a just view of the feelings of those colonists, he would call attention to some of the sentiments expressed by the petitioners. They expressed themselves deeply grateful for the benefits already conferred upon them: for example, the Trial by Jury, and other privileges enjoyed by Britons—they thought they should best show their just appreciation of those benefits by seeking to attain the full blessings of the representative system—an object for which every class in that colony were equally anxious. In those sentiments he fully concurred, the more especially when he recollected how many British colonies of less importance already enjoyed the benefits of a representative system. When the inhabitants of the Cape of Good Hope turned their attention to the other side of the Atlantic, they perceived numerous colonies enjoying a representative system perfect in all its parts; it was, therefore, exceedingly natural that they should desire to possess that which others in a similar situation had long enjoyed. He did not call upon the House to institute any proceeding immediately for the purpose of complying with the prayer of the petitioners; but he hoped that it would, at some future, and not very distant time, take it into serious consideration; and that when the time came, whether soon or late, his Majesty's Government would do all in its power to prepare the inhabitants of that colony for those privileges which they so earnestly desired to obtain, and which it was as much for their advantage, as for that of the mother country, should be conferred upon them. It was indisputable that much misgovernment had prevailed at the Cape; whether that was owing altogether to the vices of our own colonial system, or to the institutions of the Dutch, who originally settled there, and their peculiar customs and usages, he would not undertake to say; or whether those evils might not arise from both causes, it was not for him to determine. Of this, however, he was perfectly assured, that the only cure was a representative government. There was one reflection, at all events, which naturally presented itself on an occasion like the present, and it was of a very gratifying character—namely, that English settlers, wherever they went, carried with them a love of English institutions.

Sir *George Murray* felt, that he should be wanting in respect to the noble Lord, and in that due attention to the colonists which he wished at all times to manifest towards them, if he did not state a few of the considerations which rendered the establishment of a representative system of government at the Cape of Good Hope extremely inexpedient. The Petition, the House would perceive, came from only a portion of the colony, and from that portion, too, in which slavery did not exist—and that made a material difference—indeed there was no country where slavery existed in which the expediency of introducing a representative legislature might not most seriously be doubted. The state of that colony, with reference to population and civilization, ought also to be taken into account. Its extent was nearly equal to that of the United Kingdom—about 600 miles long and 300 wide. The colonists amounted to only 119,966 souls, of whom the slaves amounted to 31,000, the free blacks to 35,000 and the whites to 53,996. A population so scattered, and so circumstanced, could but poorly exercise the privileges and powers of representation. Again, the whites were divided into Dutch and British, and if they had a Legislature, that body would be divided into two parties—the Dutch party and the British party—and thus one of the most important benefits of representation would be counteracted. Then the House, he hoped, would not lose sight of the difficulty which Parliament had always experienced in its attempts to ameliorate the condition of the slaves wherever a colonial legislature existed, and until something satisfactory could be done for the slaves at the Cape of Good Hope, he should be unwilling to see a representative government established there. Something had been said in disparagement of the successive governments at the Cape of Good Hope; but he must take leave to say, that the Hottentots would not have been put upon the same footing with the colonists if the Cape had up to this time remained in the hands of the Dutch. Another objection to the introduction of the representative system was, that were it once established, all the power would speedily centre in the hands of those who resided in and near Cape Town, for those who resided at a distance would never think public affairs worth such a journey. Finally, he assured the House, that if he could persuade himself that a representative government would be at all likely to promote the true interests of the settlers at the Cape, he should be amongst the first to propose and recommend it; but he felt assured, that when hon. Members weighed the reasons which he had urged, they would see the expediency of not acceding to the prayer of the present Petition.

Mr. *Wilmot Horton* admitted, that the colonists of the Cape were not at the present moment prepared for representation, but he looked forward to the time when they would be capable of appreciating and exercising that privilege, and every other to which those who were accustomed to live under the British Constitution were accustomed. If the noble Lord were not to follow up the Petition by a motion to carry its prayer into effect he should oppose it, but he should be most happy to co-operate in the measures necessary to render the Colonists fit to enjoy the advantages which they sought.

Mr. *Marryat* said, that the statements in the Petition presented by the noble Lord from the Cape, were equally applicable to all the colonies under the care of the Crown; a similar vicious system of government existed in all of them; and it was not possible to remove the grievances complained of but by granting the prayer of the Petition, and thus giving the colonists some control over their taxation and expenditure. These colonies were peculiarly situated. They had no independent local legislatures of their own, nor were they represented in the Imperial Parliament; but were under the immediate patronage and control of the Crown, by whom the taxes were levied and revenues appropriated. They presented, indeed, a practical example of the effects of taxation without representation. The colonists themselves had no control whatever over their expenditure, and though the produce of the taxes raised in the colony could not by law be appropriated to any but colonial purposes, yet that wise provision was evaded by the creation of new and useless offices, with high salaries attached, the payment of which was charged upon the colonial revenues. The revenues of the Crown colonies, he considered himself justified in asserting, were ample to provide for every necessary expense; but insufficient to provide also for the payment of extravagant salaries to governors, judges, and custom-house officers, which absorbed the whole amount. The current and necessary expenses had been, therefore, left to be provided for by votes of that House; and hence the complaints, that these colonies did not pay their own expenses. He contended that those colonies actually did pay their own proper and necessary expenses; but they could not pay in addition those heavy salaries, unnecessarily charged upon them. They were already taxed beyond all reasonable limits, not for their own wants, but for the benefit of those who were provided for at their expense. The colonial statements laid before the Finance Committee afforded a striking comparison of the relative taxation and expenditure of the two classes of colonies, viz.: those having independent local legislatures, and those under the paternal care of the Crown. Among the latter class the colony of Trinidad figured as a solitary example of an extravagant expenditure, sustained by enormous taxation. By the means of heavy imposts, levied exclusively upon the planter, that colony had hitherto not only paid all its expenses, but had saved from its surplus-revenue a sum of 60,000*l.* accumulated in the colonial treasury. The local authorities, however, (by whom he meant the placemen and pensioners of Trinidad, who are not planters, and did not personally feel the weight of taxation), were then projecting the erection of unnecessary public buildings and colonial palaces, which would not only absorb this sum, but would entail for years to come a continuance of the present burthens upon the colony. The local authorities, (who might be termed, to borrow an hon. Baronet's simile, the birds of prey who fed upon the vitals of the colony) were, he was informed, by means of intrigue and clamour, embarrassing and distracting the good intentions of the new governor, trusting thereby to throw its affairs into such confusion as to oblige him to give up in despair the task of cleansing that Augean stable. The subject, however, he had reason to believe, was now under the consideration of the Secretary of State for the Colonies, who (he was happy to take this opportunity of stating) had, in every communication he had had the honour to hold with him upon this most important subject, evinced an earnest and anxious desire to investigate and correct the abuses of our colonial system. The task was Herculean, but he trusted, as there existed the desire, so the means of reformation would not be wanting. He should state, that during the short period in which the right hon. the member for Liverpool held the seals of the Colonial office, a ray of light beamed upon this unfortunate colony. The energetic measures of reformation which he had time only to commence, and which gave a promise of brighter days, ceased however with his removal from office. That event was much regretted by the colonists, who began to congratulate themselves in being under the control of a Minister who was both willing and able to carry his beneficial plans into effect. Should, however, the just expectations of the colonists be disappointed, and another season be suffered to elapse without any alleviation of their sufferings, he should feel it his duty, early in the ensuing Session, to bring their case under the consideration of the House.

Mr. *W. Smith* expressed his regret that the right hon. Secretary had not stated out of what materials a representative government could be formed.

Mr. *Labouchere* complained of a practice which had existed for a long time in the Colonial Department, of sending out men of broken fortunes to occupy situations in the colonies, by which many serious evils arose to the colonies themselves. He thought that if the names of all persons appointed to colonial situations were inserted in the Gazette for some time before they went out, the evil might be avoided, because a means would thus be obtained of coming at a correct knowledge of the character of the parties, and of their fitness for the appointments. He did not mention this as arising out of any appointments which had been made since the right hon. and gallant officer came to the head of the Colonial Department, for, to do him justice, he believed that since then no persons had been sent out who were not properly qualified for the situations they had to fill; but the subject was one to which he thought it necessary to call the right hon. and gallant officer's attention.

Mr. *Hume* did not think, that the right hon. and gallant officer had given very satisfactory reasons why the prayer of the Petition presented by the noble Lord should not be complied with. The complaint of the petitioners was, that British subjects, who had been accustomed to live under the free institutions of their own country, should, when they went out to settle in a colony, be at once brought under the dominion of arbitrary power. The nature of that government exposed it to great abuses, and the result was, that wherever it existed the improvement of the colony was greatly retarded. This had been as strongly illustrated in the Cape of Good Hope as in any colony he could name. The hon. and gallant officer had said, that he did not think this colony would be fit for a representative system of government whilst slavery existed; but he begged to ask him, when did he expect that slavery would cease there? When would that portion of the inhabitants be free? When would they be fit for a representative government? The right hon. Gentleman had, he thought, removed the period of freedom to an indefinite time. The right hon. and gallant officer's next objection was, he thought, as little satisfactory as the other,—namely, that of the distance to which the population was scattered. Now in the Canadas it was well known the inhabitants were scattered over a vast extent of country, and that was not found to be a serious objection to the establishment of a representative government. When the Floridas were ceded to the United States, they were at once incorporated into the national union, with a representative government, the distance at which many of the inhabitants were scattered from one another being no obstacle, because arrangements were easily made for meeting in the most central part of the state. It was at present a just cause of complaint, that England was taxed to pay for the expenditure of colonies which would willingly support themselves, if allowed to do so under a representative system; but instead of this, large sums were annually drawn from the pockets of the people here to meet expenses which we ought not to be called upon to pay. Give the colonies a representative system, and they would willingly pay their own expenses; though they would not pay such large salaries to governors and other officers as were now paid for them by the people of England. What was the situation of this very colony of the Cape of Good Hope? It had been for years left under a tyrannical government: he did not allude to any one individual in particular, but the nature of the government was arbitrary, and it could not be denied that it had been grossly abused. But what had been the effect of the public opinion, to which the right hon. and gallant officer had alluded? Public opinion was, no doubt, very powerful here, through the Press, which sent forth what passed in that House to the world. Without such publicity, the House would be a nuisance to the country. As it was, he did not say it was of much benefit, but without the Press it would be a nuisance—a body which would have only to register the acts of Government; but even here, with all the advantages of publicity, how far had that gone to remove the evils which were complained of with respect to the Cape of Good Hope, during so many years in which Lord Charles Somerset was governor, and while Lord Bathurst was at the head of the Colonial Department? It was of little or no use in correcting the evil. He must say, that a mere reliance upon the expression of public opinion would not be a sufficient guarantee to the colonists against the evils of an arbitrary form of government, or supply the check which a representative system would have on the executive power. It was, he must also contend, a libel upon Englishmen to say, that they were rendered by a difference of climate, unfit for a free constitution, or unworthy of enjoying it. He must again express his regret at hearing that there was to be no representative system in the colony until slavery was removed, and the population so condensed as that their representatives might come together without much inconvenience, which was putting off freedom for ever.

Dr. *Lushington* concurred in the general principle, that a representative form of government would be the best for the colonies, where circumstances permitted; but at the same time he fully agreed with the right hon. and gallant Secretary, that that system could not at present be adopted for the Cape of Good Hope without great danger to the best interests of that colony. He admitted that the government should be for the benefit of the many, and not for the few; but he did not think that that end would be obtained by a representative form of government at the Cape. If he could believe that it would have the effect of producing better regulations with respect to slaves—that it would improve the condition of the Hottentot population—he would most readily consent to it; but until he saw some disposition evinced by the colonies which had representative governments to improve the condition of the slaves,—until he saw in them a disposition in the strong to protect the weak,—he should object to any extension of a system, particularly where slave population existed, which he had reason to believe would not produce those effects. He thought therefore that it would be better to leave those colonies which had not representative systems in the hands of Government, which was responsible for the measures which it adopted, rather than give them to those over whom we could have no efficient control. He was glad of that opportunity of expressing his gratitude to the right hon. and gallant officer for the measures which he had adopted for improving the condition of the Hottentot population. He had opportunities of knowing the situation in which that race were at the Cape, and also of knowing the effects which had been produced by the measures to which he alluded, and how greatly they had relieved that race from the gross oppression under which they had so long suffered. He would not, at the present moment, go into details upon the nature of that oppression, but were he to describe the miserable condition in which the Hottentot population were kept, he was sure the House could not hear it without indignation and abhorrence. He would repeat, then, that as long as he saw no measures adopted to put an end to slavery—as long as he saw an unwillingness in colonies with representative governments to improve the condition of their slave population—so long should he feel it his duty to oppose any extension of the representative system in our colonies, and the removal of the powers of government from the hands of those who were responsible to Parliament for its exercise.

Sir *G. Murray*, in explanation, begged to say, that though he had the good fortune of having had the opportunity of carrying the measures for improving the condition of the Hottentots, to which the hon. and learned Member had alluded, into full operation, yet it would not be doing justice to others if he did not state that those measures had been commenced under the government of Lord Caledon, and were afterwards acted upon to a considerable extent by General Bourke.

Mr. *Robinson* was decidedly of opinion, that free institutions ought to be given to the settlers at the Cape, and to all other colonists, as soon as they were fit to receive them, and capable of appreciating their value. He by no means understood the noble Lord as recommending the immediate adoption of a measure such as the petitioners prayed for—all he urged upon the consideration of the House was, the necessity of speedily turning its attention to the subject, and taking such preliminary steps as might forward the object in view. There could be no doubt that flagrant abuses had existed in that colony, but they were not chargeable upon the present government—which was not to blame. There had existed a most scandalous carelessness with respect to colonial functionaries. Not long since a person was sent out as Chief-justice of Newfoundland who contrived to swindle the people of that colony out of a very large sum; and an Attorney-general was sent to the same place, who, though a person of better character, was totally unfit for the office.

The Petition read.

Lord *Milton*, in moving that it be printed, said, he was sorry to learn that an improved system of government at the Cape was to be postponed until slavery should be abolished.

Sir *George Murray* wished the House to analyse the composition of society at the Cape. The number of females was 55,000, males 64,000; from those deduct the Slaves, the Dutch, the Hottentots, and the persons under age; and the number of British colonists capable of exercising the elective franchise would be found exceedingly small.

Mr. *Hume* observed, that persons of Dutch descent, resident at the Cape, were as much British subjects as any men could be born in any colony.

Petition to be printed.

FORGERY.] Mr. *Brougham* said, he had a Petition to present, which, as he considered it of peculiar importance, he would solicit the attention of the House to circumstances which, in his opinion, imparted to it considerable weight. It was a Petition signed by Bankers, and none but Bankers; they were residents of

214 cities and towns within Great Britain; there were 735 individual signatures of persons who were either Bankers themselves or Directors of Joint-Stock Banking Companies. At an average of three-and-a-half partners to each firm, there were 233 firms consenting to that Petition; if the names, then, were added of those whose consent might be implied from the fact of their partners having signed it, it might be asserted that upwards of 1,000 Bankers had signed the Petition. The total number of Bankers had been estimated at from 2,000 to 2,400, therefore they had actually the names of one-half of the Bankers; and that they had not more was not owing to a majority of the body being favourable to a continuance of the punishment of death. Of those who refused their signatures, several gave some such reason as this—that they had signed other petitions in another capacity; some of them declined on the ground of their being junior members of firms, and from considerations of delicacy towards their seniors they were unwilling to give expression to their own opinions; others declined from other motives, which had nothing to do with a desire to continue the punishment of death; and here he would observe, that amidst all the petitions against that punishment they had not one in its favour. With the present Petition the Bankers of London had nothing to do. The Bank of England declined to support the Petition, and some who took a lead amongst the London Bankers also declined to support it; but he believed, if the sense of that body could be ascertained, it would be found that the majority was in favour of abolishing the punishment. He understood that his hon. friend, the member for Limerick, would that night present a petition to the same effect from the bankers of Ireland. Having now called their attention to the grounds upon which he thought the Petition entitled to great consideration, he should (remembering that a discussion upon the question generally was to take place that evening) not trouble them further than to move that the Petition be brought up.

Sir *Robert Peel* requested the House to suspend its judgment till the facts were fairly before them.

The Petition to be printed.

FOUR-AND-HALF PER CENT DUTIES.] Mr. *Hume* said, it had been his intention to make a specific motion to have the opinions of the law-officers of the Crown, on which the Government had come to a resolution relative to the 4½-per-cent duties laid before the House; but understanding that it would be more convenient to submit a motion on that subject at some future time, giving a proper notice, he should only move for a copy of the Minute of the Lords of the Treasury under the authority of which the Customs Duty on the Sugar sent to England in payment of the 4½-per cents had not been paid since March, 1828.

Sir *James Graham* seconded the Motion. He could not avoid taking that opportunity of expressing his extreme satisfaction at the vigilance of his hon. friend, the member for Aberdeen, who had with great patience exerted himself in attracting the attention of the House to this subject, which he considered as of vital importance. It was of importance not only as regarded the disposal of the duties of the Customs without the sanction of Parliament, but as involving on the part of the Crown-lawyers a claim for a more arbitrary and monstrous exercise of prerogative—in which light, perhaps, his hon. friend would not regard it as so important—than had been known since the accession of the House of Brunswick to the Throne. It was such a violation of constitutional principles that he should think he did not discharge his duty to the public if he did not support his hon. friend. If the Ministers did not give notice of their intention to bring in a bill, before the close of the Session, to limit and restrain the prerogative on this point, he should consider it his duty to move a Resolution to that effect on the motion for the House to go into a Committee of Supply. If the Crown were advised to stand on the extreme of its prerogative, nothing more could be done but that, following its example, the House must stand on the extreme of its privileges, and withhold the supplies by a motion of adjournment. If his hon. friend would turn the matter over to him, he would endeavour to bring it before the House and the public in a plain and intelligible shape.

Motion agreed to.

Mr. *Hume* then moved "That an humble Address be presented to his Majesty, praying that he would be pleased to lay before the House an account of the proceeds of the 4½-per-cents during the last ten years, how they were appropriated, the balance that was paid into the Exchequer, the deficiencies (if any,) and how they were to be made good." The hon. Member said, it was impossible that his hon. friend could regard the subject as of greater importance than he did. He should be very happy, as he had much other business on his hands, and his taking up this was turning over a new leaf, to resign it into the hands of his hon. friend. At the same time he could assure him that he would give him all the support in his power.

Sir *James Graham* thanked his hon. friend for abandoning the subject to him. His hon. friend, however, would excuse him if he did not bring forward the subject in exactly the same form as he (Mr. Hume) would have done. His motion would be a Resolution something to the effect of what he had already stated.

Motion agreed to.

MEXICO.] The Chancellor of the Exchequer moved the Order of the Day for the House to resolve itself into a Committee of Supply.

Sir *Robert Wilson* rose to call the attention of the right hon. Baronet to the important subject on which a Petition was presented to the House on Thursday, and which concerned the credit, the interest, and the prosperity of the country. He was then glad to hear from the right hon. Baronet, that it was the determination of his Majesty's Government not to infringe that system of neutrality it had always acted on towards Spain and the new States of South America. The right hon. Gentleman had then stated, that if it ever were proved to him that Great Britain had interfered to restrain those new states in the exercise of their belligerent rights, he should feel himself bound to give them protection against any operations directed against them from the points we had prevented them from attacking. The right hon. Gentleman had then stated, however, the reasons why he did not believe that this country had ever laid any interdict, or intended to lay any interdict, on the warlike operations of those States. The reasons assigned by the right hon. Baronet were rather inferences than facts, and they were all derived from the circumstance that there was no correspondence between Mr. Canning and the South American ministers on this subject in the Foreign Office. This might, perhaps, be accounted for by the fact that the agents of the South American government were not recognized till 1826. The first official document of the Mexican and Colombian ministers was dated July 19, 1826. The right hon. Gentleman had the other evening read the copy of a despatch from Mr. Canning to Mr. Dawkins, our minister, who was on his way to the Congress at Panama. This despatch, which was signed by Mr. Canning, he appeared to consider as quite conclusive of the question. For his own part he had never denied that Mr. Canning had expressed himself to Mr. Dawkins in the terms specified. The belligerent rights of the South Americans Mr. Canning had never questioned: all his argument was,—all that he attempted to prove was,—that actuated by the very best motives as a man and as a statesman, Mr. Canning had so interfered as to produce the impression on the part of the Mexican and Colombian States, that their meditated attack would give displeasure to the British Government. Circumstanced as they were, with no friend but England, it was scarcely possible that such interference could have failed of its effect. He could now produce documents which in his opinion would sufficiently demonstrate, that the kind of interdict he described had been actually imposed. In fact they proved that the kind of interference which had taken place would warrant the South American States in claiming the support that they required, and which the right hon. Gentleman had said he would be willing to give, if a case could be made out that would justify the concession. In quoting the official memoranda in question he begged leave to say that he had no ambition whatever to fire shot for shot, but merely desired to assist in ascertaining the best course for the prosperity and honour of the country, which they were both influenced by an equal anxiety to promote. The extracts from the official correspondence which he alluded to were taken from the archives of the Chancery of Mexico. The first document he would quote was an extract from the correspondence of General Michelana and Señor Rocafuerte, and it gave this account:—

"The 13th of October, 1824, General Michelana, in a conference with Mr. Canning, acquainted him that the Mexican government thought it indispensable for the security of the independence of Mexico, *(pour arrondir son indépendence,)* to wrest Cuba from the Spaniards. Mr. Canning replied, that the question was a very grave one, because it was connected with the almost inevitable probability of a slave insurrection, an event which the British Government could not tolerate, not only from motives of humanity, but as it affected the safety of the British West-India possessions, and all their commercial interests. General Michelana wrote, in consequence, to Mexico; but before he could receive an answer, an advice reached him, that the preparations for the expedition against Cuba, under the orders of General Santa-Anna, were rapidly advancing at Campeachy, he thought it was his duty to provoke *(provoquer)* a declaration from Mr. Canning, 'of the opinion which would be entertained by the English Government, in case the Island of Cuba should separate herself from Spain.' To obtain this object he had a conference on March 2nd, 1825, with Mr. Planta—the result of which was thus described. "Mr. Canning being ill, and Mr. Planta not being able of his own authority, to give the reply sought for, Mr. Planta advised General Michelana to write a memorandum on this subject, as well as upon the other points in discussion. General Michelana complied with this advice; and on the 4th of March, addressed to Mr. Planta a memorandum which must exist in the British Foreign Office, and in which the question before mentioned was proposed, accompanied with extensive developements upon the necessity of uniting Cuba with Mexico, &c. &c. No answer was given to this memorandum." By this time the information of Mr. Canning's interview with General Michelana on October 13th, 1824, had reached Mexico, and the government alarmed at the communication, though it had received authority from the Senate to attack Cuba in conjunction with Colombia, thought it necessary to desist. On the 20th of February the government informed the Chamber of Deputies of Mr. Canning's opinion, and the Chamber fearing, as it said, serious inconveniences, set aside the authority given by the Senate to the executive government. Orders were sent to General Santa-Anna, who was preparing to attack Cuba by a *coup de main;* having embarked part of his force, and prepared a proclamation inviting the people of colour in Cuba to join his standard, and offering liberty to such of them as did. The General immediately abandoned the expedition. A copy of the proclamation which had been printed, fell into the hands of Mr. Canning, who expressed considerable displeasure at it, which induced General Michelana to write immediately to General Vittoria, the president, earnestly entreating him to avoid all further ground of complaint, by not prosecuting the expedition; and that letter, he had reason to believe, was shown to the first British representative who was accredited to Mexico. The account of General Michelana's conduct then added "General Michelana, being recalled to Mexico, took leave of Mr. Canning, on the 17th of June, 1825, and in this conference, Mr. Canning told him, amongst other things, 'That the British Government would openly oppose itself to Cuba becoming a possession of the United States or France; and would not see without displeasure, any attack on it from Mexico or Colombia, in the hypothesis that the expedition would be accompanied with a black insurrection, which, from the nature of things, appeared inevitable, and which the proclamation of General Santa-Anna had further encouraged.'" In his opinion that amounted to a prohibition of an attack on Cuba, for the very nature of its population would always make such an objection tantamount to a prohibition. The population of Cuba consisted of 500,000, of whom 150,000 were black slaves. How was it possible, he would ask, for a General to land in Cuba, and prevent an insurrection in a society so constituted? What had been contemplated by the Mexican General was perfectly allowable, and could not be considered otherwise than lawful as a mode of warfare. Our own Government, when we invaded North America, had on the same principle called upon the blacks to take up arms, and 500 who joined us were formed into a regiment. Spain also had acted in a similar manner without scruple. In its late attack on Mexico, it had invited the people of colour to join the Spanish Standard. He did not mean to contend that it was not right in us to prevent the Mexicans from attacking Cuba, but the same motives which influenced our conduct towards them then ought to induce us to declare them exempt from the danger of an attack now from any point of Cuba or Porto Rico To show that such a mode of warfare was not unknown to the Spaniards he would read an extract from a despatch of the Mexican minister for Foreign Affairs: It said "the Captain-general of Puerto Rico has undertaken against us a war of banditti, which has already caused many misfortunes to the department of Maturin, and is occasioning more to Venezuela. Cisneros, Centeno, Arixabala, the Castilles, have been protected by him, and by the instructions which Arixabala has given up to the government, it appears that he offered them aid, and ordered them to devastate the country which they might occupy. The Castilles engage to insurge the people of colour. Will it be just if the British Government does not put an end to so many calamities, and which will destroy the commercial relations of the country, if there should be a war of colour? The Duke of Wellington surely will not be indifferent to the injury done to British commerce by permitting Spanish obstinacy to perpetuate this state of things." At the time when the British Government interposed to prevent the attempt on Cuba and Porto Rico, there was not a ship of war in the possession of the Spaniards in that neighbourhood to protect them, and there were but 1,400 regular troops for their defence, while Mexico and Colombia were well appointed in military equipments, and could command several ships of war on the seas abandoned by the enemy. He contended, therefore, that nothing but the apprehension of incurring the displeasure of Great Britain had put an end to the contemplated attack, and this was confirmed by the documents already quoted. He would, however, read another extract: The conviction was so strong on the Mexican government of the attack on Cuba being interdicted under pain of incurring the displeasure of the British Government, that in the year 1828, when the Mexican government was anxious to get rid of such a dangerous neighbour, Mr. Roccafuerte, the Mexican minister, was ordered, as a preliminary measure "to make the British Government acquainted with the necessity imposed on the Mexican government, of carrying the war into Cuba as a measure of safety, if the expedition from Cuba, then preparing, was not stopped or relinquished." M. Roccafuerte had a conference with Lord Dudley on the 23rd of February, and Lord Dudley avoided the answer, or, as it is in the original Spanish, "*eludio la requesta.*" He thought that if there had been no expressed wish on the part of our Government to prohibit the attack, the Earl of Dudley would immediately have said, you may make the attack if you like. Why did not the Ministry state explicitly that they would not interfere, if interference was not intended? As it was, no express release had been obtained until two months since. The Mexicans were then, for the first time told, as was the English public by the Minister for Foreign Affairs, that they might attack Cuba if they saw fit, without any interference on the part of England. But times and circumstances were now no longer the same as at the former period; and now neither the Mexicans nor the Colombians had the means of attack. He was of opinion that these documents were sufficient to prove, that Mexico considered herself interdicted by England from attacking Cuba. That the United States had interfered to prevent the attack was proved by the minute of a conversation held between Count Nesselrode and Mr. Middleton, the American minister at St. Petersburg, in August 1825. In that minute the interference was distinctly stated and the reason assigned for it was the necessity of preventing any other power than Spain from obtaining possession of Cuba, in order to prevent the equilibrium in the West-Indies from being destroyed. As a corroboration of what he had advanced he would advert to what had occurred between the Colombian minister and Mr. Canning. The documents to which he should refer had all been taken from the archives at Bogota. The first extract he would read was from the correspondence of Señor Hurtado the Colombian minister at our Court. "In 1825 the government of Colombia and Mexico, having in concert projected an invasion of Cuba, the Colombian minister consulted the British Government to know whether the invasion would be permitted. Mr. Canning signified his displeasure on November 24; he asked Señor Hurtado, if it were true that Colombia and Mexico were preparing to invade Cuba, and after receiving for answer, that he thought it not probable, Mr. Canning expatiated on the inconveniences which would result from it to England. On the 24th of December, 1825, Señor Hurtado informed the British Government, "that the government of Colombia could not continue to see with indifference the enemy retain a possession at which it might continually collect armaments, and thence direct expeditions against Colombia and her allies; and that, for her own security, and the protection of her own commerce, intercepted by the frequent cruizes and captures made by the privateers of the Islands of Cuba and Puerto Rico, it found itself obliged, in concert with the government of Mexico, to assume the offensive, and procure the necessary means and forces to make themselves masters of these colonies." Mr. Canning replied to the Colombian minister, "That he did not doubt the said States, as belligerents, had a right to attack their enemies, and capture their possessions;" but he added, "at the same time, they ought to remember, that this warfare might be very prejudicial to England, by causing an insurrection of the blacks, and by the pretext it affords other nations to interfere in the affairs of Cuba, and perhaps forcibly occupy the Island." The Colombian minister, in a despatch which he held in his hand, stated, that "the government of Colombia, in consequence of the unfavourable information it thus received from its minister, felt with keen regret, that it could not proceed with a project which, at that season, was so advantageous, from the good spirit which then reigned in the Island of Cuba, in favour of independence, as well as from the circumstance that Colombia was prepared with all the necessary means for its accomplishment." This shewed that Colombia and Mexico were entitled to the protection they now claimed at our hands. But he would shew from documents that Colombia considered the measure as necessary to her happiness and her safety. Colombia and Mexico did not seek protection against the arms of Spain, but against that harassing warfare which was a continued demonstration of attack. The next document he should quote was a note from the Colombian minister for Foreign Affairs, dated Bogota, September 14, 1829, and addressed to the envoy of that Republic at the British Court, M. Joze F. Madrid. It said, "the government of Colombia," in the year 1825, was making preparation in concert with the government of Mexico, to invade the island of Cuba; and it is indisputable that having, as they then had, means and resources, and sustained by the opinion which prevailed in that colony (Cuba) in favour of its independence, they might have executed the project, if not to have obtained at the instant complete success, at least to have occasioned powerful commotions in various parts of the Island, which would have ultimately put in peril the Spanish power established in it, as had occurred in various other parts of America: but it sufficed that Mr. Canning had intimated to the government of Colombia, "the desire of Great Britain, that the invasion should not be persevered in, for the government to desist immediately from its further progress." That desire was sufficient, for the person who expressed it was Mr. Canning, the only European statesman who was favourably inclined towards them. But the note proceeded, "In the year 1827, the Liberator being at Caraccas with ships and disposeable forces, had also projected to invade the Island of Puerto Rico, then entirely defenceless, and from whence they (the people) had asked for, and expected our assistance; but his Excellency being informed by the minister, Mr. Cockburn, that this attempt would not be agreeable to the British Minister, the project was abandoned. In deference, therefore to the desires of this power (Great Britain), Colombia has thus seen frustrated the plans of her government for plucking from Spain her remaining possessions in America, and for securing at once the tranquillity of the country." The English envoy also declared, that the expedition he saw preparing would be disagreeable to England, and on this subject he had an authority in the assertion of a General officer who wrote at the Caraccas, February 21, 1827, and who said, "The expedition is given up; Mr. Cockburn has induced General Bolivar to relinquish it, as it would not be agreeable to England. General Bolivar is much annoyed, but not displeased with Mr. Cockburn, who has made the representation in the most friendly manner." Mr. Cockburn indeed, he could assert on the best authority, had always conducted himself so as to enjoy the esteem of the Colombian government. In conclusion, the gallant General contended, that the conduct and language adopted by British statesmen had actually amounted to an interdict against attacking Cuba. That imposed, he further contended, a moral obligation on Great Britain to protect Mexico and Colombia from being attacked by Spain from that island.

Having afforded protection to Spain against these States, we had acquired a right to interpose in their behalf with Spain, and to inform that power that we could not suffer the present state of things to be continued. He was sure that such a course would redound not more to the honour than the profit of England. He apologized to the House for having taken up so much time, but having the information he had laid before it in his possession, he was bound, he thought, not to allow the subject to remain at the unsatisfactory point at which it had closed on Thursday evening.

Mr. *Planta* could assure the hon. and gallant Member, that he had no recollection whatever—and he was in the Foreign-office at the time of the projected attack on Cuba—of any language, written or oral, of Mr. Canning, which warranted the inferences of the Mexican and Colombian ministers. He recollected, indeed, a conversation which he had with M. Michelana on the subject; but he thought it right to request of that gentleman to put his statement in writing, in order that it might be laid before Mr. Canning; and from that day he had never heard another word on the matter from Mr. Michelana.

Sir *Robert Peel* was sorry that his hon. friend had renewed the discussion on this subject, and he was confident that the hon. Member and the representatives of the States of Mexico and Colombia were not consulting the true interests of those countries, by wishing to fasten on England an engagement to enter into a defensive alliance with them against Spain; an alliance which no Minister of this country ever contemplated, and which, he repeated, it was injurious to the interests of those States for their representatives to insist on, through any construction put on the correspondence of Mr. Canning. There never, indeed, was anything clearer than that Mr. Canning had not, by any language in any public document, interdicted Mexico and Colombia from the fair aggression of belligerents against Spain, and that he had not entered into any obligation, either formal or moral, to assist those States against Spain in consequence of their refraining from their contemplated attack on Cuba. What, however, had his hon. friend done? He had produced no authenticated document from the Foreign-office—no paper bearing the signature of Mr. Canning; but he had read to the House the memoranda of a series of conversations which the Mexican and Colombian ministers are said to have had with Mr. Canning; but memoranda of conversations which that minister never saw, and which he had not, by his signature, acknowledged to be genuine. The hon. Member, however, said, that the reason why these documents were not to be found in the Foreign-office arose from the circumstance of the ministers of the new States not being at that time formally received in this country, or acknowledged by the Ministers of Foreign Affairs. Whether, however, they were ministers or agents, there could not be the slightest doubt, that if any such admission as that attributed to Mr. Canning had been made in these conferences, some notice of it would have been found in the Foreign-office, and had any such document been found, its validity would have been acknowledged, though the ministers of those States were not at the time recognized. In the discussion on a former evening, he had stated distinctly, that although Mr. Canning declared an invasion of Cuba, in the manner and under the circumstances of that contemplated by Mexico, would be displeasing to Great Britain, still no interdict of any kind whatever had been laid on either Mexico or Colombia from prosecuting the war, if they thought proper. When General Santa Anna had assembled about 700 men in the province of Yucatan and issued his proclamation, this country and the United States of America did protest, as they had a right to do, against the attempt to conquer Cuba through an insurrection of the slaves; but they did not attempt to restrain the fair use of the Mexicans' rights as belligerents, when exercised according to the acknowledged rules of war, against Spain. His hon. friend said, however, that Mr. Canning advised the Mexicans not to invade Cuba. Why, at that time the New States of America were not recognised by this country; but even if they had been, he expressly denied that Mr. Canning adopted any other course than that of expressing the dislike of this country to that mode of warfare which the States seemed disposed to adopt. It was with great reluctance that he referred to any unpublished official documents, but he had already, on a former occasion for the special reasons he had then stated, referred to the letter of Mr. Canning to Mr. Dawkins, to which no answer had been or could be given. Mr. Canning is supposed to have promulgated the interdict in 1824; yet when writing to Mr. Dawkins shortly afterwards, (and he would quote the passage at length to set the question at rest, as far as that could be done by Mr. Canning's authority). Mr. Canning said, "You will see how earnestly it is desired by the United States, by France, and by this country, that Cuba should remain a colony of Spain. The British Government, indeed, so far from denying the right of the New States of America to make a hostile attack upon Cuba, whether considered as the possession of a power with whom they are at war, or as an arsenal from which expeditions are fitted out against them, that we have uniformly refused to join with the United States in remonstrating with Mexico and Colombia against the supposed intention, or in intimating that we should feel displeasure at the execution of it." Then followed the passage which he quoted the other night "We should indeed regret it, but we arrogate to ourselves no right to control the military operations of one belligerent against another." This was the clear and express language of Mr. Canning at the very time when the hon. Member supposed he was interdicting the invasion. He would state, also, one other fact, which was convincing on the subject. In the year 1826 Mexico and Colombia, so far from thinking themselves interdicted, actually determined on fitting out an expedition to blockade the Havannah, and it was announced at the same time, that the President of Mexico meditated the collection of a body of troops, to be marched from various places, in order to co-operate with the blockading squadron for the reduction of Cuba. At that time Mr. Canning was informed of the expedition, and the British minister wrote to him, communicating the nature of the expedition, and asking for instructions. In answer to the demand for instructions on those points which were likely to arise with reference to the interests of England, Mr. Canning replied, that it was necessary for the writer to make a division somewhat more distinct than he had made, before he could answer his questions; but not one word was to be found of surprise at the communication, as there naturally would have been had any interdict existed as to the invasion of Cuba. That fact could not, at such a moment, have been passed over in the instructions for the conduct of the British agent, if such an interdict had been ever put forth by Mr. Canning.

Sir *R. Wilson* said, that the blockade was prevented.

Sir *R. Peel*—the blockade was prevented by internal dissensions among the States, but not by the interference of England. The right hon. Gentleman concluded by repeating his former declarations, that there was no obligation, either moral, or imposed by treaty, on Great Britain, to protect Mexico from attacks on the side of Cuba; and he protested against the reception of unauthorised memoranda of conversations in the discussion of a question of this kind, for the purpose of establishing a claim to a defensive alliance, which never was contemplated by any member of the Government of this country.

Sir *R. Wilson* intimated an opinion that it was only in March last that Mexico received permission to invade Cuba.

Sir *R. Peel* repeated, that the South American States knew they were at liberty to do so throughout the whole period, and that in 1826 they showed a disposition to act on that opinion. Some stress had been laid on the supposition that Mr. Canning advised the Mexicans not to invade Cuba. He denied that Mr. Canning did so; but if he had, he (Sir R. Peel) was prepared to contend, that at the time when Mr. Canning was endeavouring to prevail on Spain to recognise these States, he had a perfect right to advise the Mexicans to abstain from offending Spain by an attack on Cuba.

Mr. *Huskisson* saw no inconsistency between the statements of his right hon. friend and the documents produced by the gallant General, although they proved to demonstration that Mexico and Colombia, in deference to the feelings and wishes of Great Britain, had abstained from the course they had previously determined to pursue. He would be one of the last to say, however, that the deference then paid to the wishes of this country bound it to any defensive alliance. God forbid, that he should argue anything of the kind. All he wished to impress on the House and the Government was, that the conduct of Mexico at that time gave her a claim now on our interference to put an end to a state of things prejudicial to the prosperity of Mexico, and of all the States of Europe. By that interference at the present moment we should confer a benefit on commerce, on humanity, and even on Spain herself. But he begged to be distinctly understood as disclaiming the idea of recommending the employment of force to support our interference. He never had thought of recommending that, and if he had been so understood on Thursday evening, by his right hon. friend, he begged leave to correct that misinterpretation of the words he had used. He was also bound to say, that he felt satisfied with the general tenor of his right hon. friend's answers in explanation on this subject, for he was sure that if it were in his right hon. friend's power, he would put an end to a state of things that was so injurious to our commerce.

SUPPLY.] The House then went into a Committee of Supply.

Resolutions, granting 3,000*l.* for the Refuge to the Destitute, 4,000*l.* for the American Loyalists, and 3,339*l.* for Criminal Lunatics, were then agreed to.

On the Resolution that 5,712*l.* be granted for French Refugees, for Protestant Dissenting Clergymen, &c.,

Mr. *Hume* begged to ask in what manner the sum of 1,695*l.* was disposed of to the Dissenting Clergymen. The sum was so small that it could do good to a very few, and he feared it brought benefit merely to those who distributed it.

Mr. *Dawson* replied, that many of the persons in question were in great distress, and that the money was distributed among them with the utmost impartiality by the Archbishop of Canterbury and the Lord Chancellor.

Mr. *Hume* was of opinion that the payments might be gradually discontinued.

Resolution agreed to; as also Resolutions for granting 45,000*l.* for his Majesty's Foreign and other Secret Services, and 76,000*l.* to defray the expense of printing Acts of Parliament and Bills, Reports, and other Papers, for the two Houses of Parliament.

On the Resolution for granting the sum of 8,000*l.* to defray the expense for Printing under the direction of the Commissioners on Public Records,

Mr. *Protheroe* expressed his hope that a new commission, composed of men of diligence, and who had a taste for the subject, would be appointed. The present commission had been guilty of the grossest mismanagement. Many of the printed records were full of errors; and among them he particularly instanced "Rymer's Fœdera."

Mr. *Hume* wished to know on what authority a charge was made at the Tower for inspecting the Public Records?

The *Chancellor of the Exchequer* said, that the fees on that account were of very old date, and that there had been no increase in them.

Mr. *Hume* considered them as prohibitory of information.

Resolution agreed to.

On the Resolution for granting 96,850*l.* for providing Stationery, Printing, and Binding, for the several Public Departments of Government, including the Expense of the Establishment of the Stationery Office,

Mr. *Hume* adverted to the items of 190*l.* for the Penitentiary, and asked why such a sum could be required? There was also an item of 25*l.* for stationary for the Lottery Office, although the Lottery was abolished.

Mr. *Gordon* also expressed his surprise at the item for the Penitentiary, which was nearly a third of the amount of the expense of Stationery for the Office of the Secretary of State.

Mr. *Maberly* observed that, by an error in the mode of abolishing the establishment of the Lottery, persons who had held situations in that department were pensioned on the Consolidated Fund. He knew one person who had retired on a pension of 300*l.* who also held an office of 1,200*l.* a-year.

Mr. *Dawson* observed, that he had himself thought the item for the Penitentiary large; but, on inquiry, he found that many of the prisoners were exercised in writing. The 25*l.* was expended in clearing off the various accounts of the Lottery Office.

Mr. *Gordon* objected likewise to the item of 150*l.* for the Office of the Hackney Coaches, Hawkers, &c. The Board only met, upon the average, three times a week, and sat for one or two hours at a time; yet here was an expense for stationery a fourth as great as that of the Secretary of State's Office.

The *Chancellor of the Exchequer* observed, that a variety of books, as well as stationery, were required for the Hawkers' Office.

Sir *Thomas Baring* objected to the item of 1,200*l.* for Stationery for Chelsea Hospital.

Mr. *Hume* said, that there were many objectionable items in this Grant. There was the Royal Military Asylums, 295*l.*; the Commander-in-Chief's Office, 225*l.* Then there was the Army Medical Board, 700*l.* while the Adjutant General's Office was only 380*l.* There was also 120*l.* for the Insolvent Debtor's Court—the only Court that was allowed the expense of Stationery. All these subjects demanded inquiry.

Resolution agreed to; the House resumed the Report to be received on Wednesday.

FORGERIES' PUNISHMENT BILL.] Sir *Robert Peel*, adverting to the intended Motion of the hon. and learned Gentleman, for an instruction to the Committee on the Forgeries' Punishment Bill, wished to ask, what course the hon. and learned Gentleman meant to pursue. He suggested that it might be a preferable course simply to move an Amendment in the Committee.

Sir *James Mackintosh* thought that it would be better to move an instruction to the Committee.

Mr. *Speaker* said, that when instructions were given to a Committee, it was generally to do that which they would not have the power to do without those instructions; but the instruction which the hon. and learned Gentleman wished to move was, to do what the Committee had the power to do without such instruction, and therefore would restrain their power, as showing the prior judgment and opinion of the House.

Sir *J. Mackintosh* bowed to the opinion of the Chair. The only object for which he wished to move an instruction to the Committee was, to give full and fair notice on that sole point on which any important difference was likely to occur. He would, however, relinquish that course, and would move an amendment as soon as the House should go into the Committee on the bill.

On the Motion of Sir R. Peel the House then went into a Committee upon the Forgery Bill.

On the reading of the clause, declaring that the Forgery of Exchequer Bills, Bank Notes, Orders for the Payment of Money, and other rejoicable securities, should be punished capitally,

Sir *J. Mackintosh* said, that he should, according to the suggestion of the Speaker, proceed to act in that Committee as he should have done, with respect to the instruction he was about to move, in the House itself; and as there had yet been no full debate upon this great measure, he hoped the Committee would excuse him, if he considered himself in the same situation, now that they were in Committee, as he should have considered himself if he had brought on this discussion upon the motion for the second reading. In making the observations that occurred to him upon this subject, he should confine himself, as narrrowly as possible, within the limits of the question before the Committee? but at the same time he must declare, that it was impossible to consider that question, without considering the general principles of legislation, and especially those principles which were more peculiar to this important class of offences. It was needless for him to enter into the history of the various parliamentary controversies in which, since the time when that great man, Sir Samuel Romilly, first brought the subject under the notice of Parliament, they had often been engaged.—He could not compare—or, rather, he could not contrast—the temper and opinions of these two periods without a strong feeling of exultation, which he had no language adequate to convey as powerfully as he was affected by it to the House. He remembered reading of those times when the most ancient, the most barbarous punishments were resorted to without reprobation, and when even the lifeless remains of those who had been no worse than adventurers in the troubled sea of politics were exposed to the perpetration of every horrible indignity; when Llewellyn, Prince of Wales, and Wallace of Scotland, were insulted in this manner, because they had been noble enough to stand up bravely in defence of the liberties of their country. He recollected the time too when the most respectable men in the country, both as statesmen and as lawyers, were against that for which he now asked, and would have contended as boldly for the preservation of those old and barbarous modes of punishment, the worthless remnants of barbarous times, as for that of Magna Charta and the Bill of Rights.

Yet, he was happy to say, he had lived to see the day when these opinions were changed, and when a Minister of the Crown came forward to state that he was desirous of mitigating the severity of capital punishment, as far as the general safety would permit. The object of all punishment was, to protect the life and property of all, at the expense of the least possible degree of suffering to any of the members of society. Such was the prevailing opinion of the men of the present day, and strongly did it contrast with the opposing temper of past periods. How different were the modes of thinking in the barbarous times of Edward 1st, when severity was universally adopted, and in these more civilised periods in which we saw Ministers and Statesmen asserting their title to glory by their disposition to assist in mitigating the old severity of the law. "*Prisca, juvent alios; ego me nunc denique natum jactabor.*" It appeared to him as if he had lived, in the short compass of a life, through two different ages, opposite and contrasted in character. When he considered the small beginnings with which that intrepid, that wise, and magnanimous man, Sir Samuel Romilly, entered on his career of legal reform—and when he recollected that at the distance of between ten and twenty years from the death of that noble-minded man, the bar of the House was crowded with petitioners who entreated the House not to be satisfied with the propositions of a liberal and reforming Ministry, for that the people were ripe for better things, and were desirous of them—he almost thought that he lived in two different countries, and conversed with people who spoke two different languages. It was needless for him to express his gratitude to the right hon. Gentleman or his admiration of the conduct that right hon. Gentleman had pursued; he had achieved by his reforms, and by his plans for further reform, a title to fame, which no transient measure of political skill, however splendid or dazzling, could ever confer; he had placed his name among those law-givers who had reformed the Penal Code, and who had therefore been among the most signal benefactors of mankind. He bestowed not these praises grudgingly or reluctantly—they came from his heart, and he trusted they would be so considered. He now begged to call the attention of the Committee to that which was of such great importance in the petitions. He was well aware, from the twenty years' experience he had acquired in that House, that the words of petitions were not always so important as they sounded, but in the present case, there was no qualification, whether with regard to the character of the petitioners, or the station they occupied in society, that was wanting to give them a claim to the highest degree of importance. Their interest—their supposed interest—their long-believed interest—that which had long been their cherished and guarded interest and right, they now freely gave up—they begged it might be taken from them; and when they appeared at the bar of the House with such a request, he certainly did conceive that they came there under circumstances different from those of most other petitioners. He had had the honour of presenting the petition of the inhabitants of Edinburgh, signed by a large body of the clergy—of all the different sects of Protestants, and of the Professors of the University. There was a fact of considerable importance with respect to the meeting at which that petition was agreed to. A gentleman of high talent and character, and an old friend of his, Dr. Baird, the Principal of the University, was urged to take the chair at that meeting, and he declined to do so because the petition did not go far enough, as it did not pray for the abolition of the punishment of death in all cases but murder and murderous attempts. It was such a fact, connected too with the language of the petition, which showed that the House was behind the country—not the country behind the House, in the progress of extended and liberal notions on this subject. To the Edinburgh petition there were attached the names of seventeen out of eighteen Bankers in a city in which the principal trade was banking, and these petitioners, like all the rest, prayed the House to deliver them from the pretended protection—but the real danger—of capital punishment. His hon. and learned friend and colleague, who was not then in his place, had presented the petition of 700 Bankers in England, who all urged the Parliament to deliver them from those laws against Forgery which, from their undue severity, palsied the arm of public justice, afforded security to the forger, and endangered the property of the honest man. There were three sorts of petitioners—he would not undervalue any one of them, but undoubtedly their petitions ought to be received differently. There were some who complained of grievances affecting only themselves; there were others who complained of matters in which they had a public interest; but there was a third class, whose petitions were entitled to the greatest weight, for they came forward to support a great public principle, apparently against their own immediate interest. The Bankers of Edinburgh, of Glasgow, and of all the towns of England, had respectively petitioned, and had complained of the continuance of that punishment, which, while it endangered their property, destroyed the facility and ease with which the law ought to be capable of being applied for their protection. The last kind of petitioners were those whom he now called to the bar of the House as witnesses in his behalf, and that Member of Parliament would be a most hardy man who should venture to dispute the evidence of 1,000 such men on such a subject. These persons must be the prosecutors and the witnesses, in accusations of forgery, and if they were not also jurors the jurors were taken from the class of men to which they belonged, and they must be better acquainted with the sentiments of jurors than any Members of the House. They told the House, as the result of their experience, that they believed that the present law was an encumbrance, not a protection. So odious was it to them, that they would not prosecute offenders, and yet it was to men of that class that the Government affected to say, "we know your interests better than you do yourselves." The Government was in error—it was blundering when it affected to say to such a body of men, that they claimed that which, if granted, would materially involve their security and endanger their property. The people were too humane for these laws, and if the Legislature did not determine to rebarbarize them, it must give way to the demanded reforms. Among the petitioners were three eminent bill-brokers, one of whom discounted it was said, twenty-two millions of negociable paper-money annually; and he understood, though he of course could not know the fact, except as he was informed of it, and did not therefore vouch for it, that if the three were taken together, they discounted fifty millions annually of negociable securities. It would be a waste of his voice and of their time to make any thing more than a bare allusion to such a fact. His proposition was only to return to the ancient system of our laws, which England only began to deviate from in the 18th century. At that time a false and exaggerated notion of the value of severity spread over Europe. The first change made in the law was with respect to the crime of Forgery. Whenever this country had been the object of severe or hostile remarks among the people of the continental nations, that fact had been selected against us as a proof that, as blinded worshippers of Mammon, we neither valued blood nor justice, but would sacrifice both without remorse to the preservation of our wealth. Such severity as ours was sought for in vain in the laws of France—in the laws of Holland—in the laws of Prussia—in the laws of any country or place in Europe, from Hamburgh to Naples, from the North to the South; in none of which had it been found necessary to cement the right of property by blood, or to secure negociable paper by a law of so barbarous a kind. The repeal of this law would be no novelty. The right hon. Gentleman had alluded to the law of France—he was mistaken in what he had said of it; the two cases in which forgery was there punishable with death were those of the forgery of the paper of the Treasury, stamped with its stamp, or of the negociable paper issued by the authority of the government. From a return made in the year 1828, it appeared that there had been only two cases prosecuted to a capital conviction—they were cases in which the prisoners were accused of *contrefaçon des billets de Banque;* so that, in those instances, the forgery was of paper, not merely permitted, but authorised by the Government. These were the only two cases of prosecution for that crime which had occurred between the period of promulgating the Code Napoleon and the year 1828. But even these were acquitted; so that, whatever was the letter of the law, it was never executed. Those acquittals could be imputed to nothing but a popular prejudice against the laws; for it was impossible to believe that the cases should have been wholly unsupported by proof. In looking over the French returns he found that there was but a small number of forgeries, and yet the punishment never exceeded hard labour for life. The crime was sometimes punished by imprisonment, and sometimes by imprisonment with hard labour for a number of years. France was a country that was not to be blotted out of the book of experience of mankind. We knew it better than any other foreign country, and though the negociable paper property of France was not as large as that of this country, yet it possessed a great and flourishing circulation, which it protected, without the effusion of blood, against those dangers which were supposed likely to fall upon this country if we made this projected experiment in the laws. In the penal code of France the forgery by a public officer, in his official duty, was punishable with hard labour for life—a circumstance which showed most strongly the nature of the code. That code was in force in Holland; and from Hamburgh to Naples there was not a single country in which paper-money was protected by the punishment of death, except the British dominions. The advocates of capital punishment were bound to show that the most important interests of society would be endangered by the alteration of the punishment; for, to show a mere inconvenience was not sufficient for the purpose. The burthen of proof did not lie on the men who argued for the abrogation of these laws, but on those who contended that the evil was so great, there were no other means of preventing it but by capital punishment. Unless that absolute necessity was proved, he contended that all other executions for the offence were, in the eye of morality and religion, positive murders. In the year 1826 there was a return of nine persons who had been sentenced to death in France. No favourable circumstances appeared in their various crimes, but they all had recourse to the *Cour de Cassation* in appeals upon technical difficulties. The delay thus occasioned afforded the opportunity of investigating their cases, and they were found innocent, and every one of them was pardoned on the avowed ground of their innocence, without any blame being attached to the judge, the jury, or the government. If, in such a country, and with such Judges as France possessed, these errors were committed, the knowledge of them ought to induce us to avoid inflicting those punishments which, whenever inflicted in error, did an irreparable wrong. A French gentleman, who had bestowed great attention on this subject, had said, that no one at Rome or Naples dare give any assistance to the execution of the laws, for such was public justice in those countries that it did not at all stand well with the public. Whatever tended to produce a schism between the execution of the laws and the feelings of the people did great injury. If equal punishment were inflicted on unequal crimes, gross, scandalous, flagrant, notorious injustice must be the consequence; and it must be a fault in every system of legislation, if it did not confine the highest penalty to the greatest delinquency. The punishment by imprisonment was divisible—different portions might be applied to different degrees of criminality; but there was no divisibility in the punishment of death. The feelings of the present age did not allow of the barbarous aggravations of death practised by our ancestors, and we hanged alike the sheep-stealer and the parricide. As long, then, as this system of equal visitation for unequal guilt continued, we were the authors of the most crying injustice. If our ancestors inflicted more than mere death by adding the cruelty of torture, at least they had the excuse that they thereby observed something like a scale of punishments. He thanked God that that barbarous custom was abolished, and since now it was impossible to inflict more than death for the greatest crimes, our only resource was to inflict less than death for offences of minor aggravation.—The various existing and authentic tables of crimes and punishments showed the difference between a sound and a degenerate administration of Criminal Law. During the last seven years only twenty-four persons had been executed for forgery, while the whole number of persons convicted of that crime was 217—so that every offender knew that, even after conviction, there were eight chances of escape to one of suffering. The result was widely different in cases of murder; in the last seven years there had been ninety-nine convictions, and no less than eighty-eight executions, indicating a perfectly sound state of jurisprudence; for the Crown had exercised its prerogative of mercy only in a few cases, which by their mitigating circumstances well deserved it. In France, with a population of thirty-one millions, in the year 1825 there had been 110 executions; of those ninety were for murder, or murderous offences, and twenty for all other crimes. This indicated a just execution of the law—an application of the last punishment to a class of offences that naturally required it, and to which it ought to be confined. The population of England and Wales, on the other hand, was twelve millions and a half, and in the year 1825 there were eleven criminals executed for murder and murderous offences, and thirty-nine for all other crimes; hence it was obvious that a great deal more blood was shed by the law in the defence of human property, than in the protection of human life. It was an ancient and venerable maxim of religion, and it ought to be so of law, "Whoso spilleth man's blood, by man shall his blood be spilled;" and this maxim was well observed in France. In England the proportion of persons charged with capital crime to the whole population was as 1 to 160,000, while in France it was as 1 to 450,000, so that France, with more than double our population, appeared to have only half our crime. What did he infer from that? It seemed to afford testimony against the morality of our lives, but it was, in fact, nothing but an impeachment of the wisdom of our law. It would require but little trouble and examination to establish that the difference between the two countries in this respect was owing to the difference in the administration of the law, and not to any difference in the disposition to criminality. Indeed he might state, that it had been proved that the people of this country did not deserve this stigma of comparatively greater criminality, and that its appearance only arose from our mischievous legislation having annexed the last punishment man could inflict to a much greater number of offences than was done by the legislature of France. The execution of the law, he must observe, had undergone some surprising revolutions; and Sir Matthew Hale made it a matter of boast, that in his time in England every judgment was executed; yet 150 years after the death of that great Judge, the multiplication of capital punishments had produced a directly opposite result; and England at this moment was distinguished from every other country of Europe by uncertainty in the administration of criminal justice. The effect had been, he was ashamed to say, to introduce into the kingdom a system at variance with the first principles of free government—he meant that none of the facts or circumstances on which the life or death of man depends, were ever known to the mere spectators of those public proceedings and solemn trials, which seemed to be decisive of his fate. The life or death of a man in the city of London depended upon the investigation of his conduct by a secret body, unknown to the public, unknown to the criminal, and who might be able, for any thing that could be shown to the contrary, to explain the very fact for which, unexplained, he was borne to execution. The first question to be asked was, is the primary punishment peculiarly adapted to the offence of Forgery? He put it to any man accustomed to watch the springs of human action, whether he was of opinion that the mere fear of death operated upon forgers? They were commonly persons of some education, holding a respectable station in society, and who, having got into difficulties by love of ostentation, and an indulgence in prodigality, were determined to make a bold throw in the game of life, and to risk all upon a single hazard—*aut cito mors, aut victoria læta.* The sting of death was not the bare loss of life, but the circumstances of dishonour and disgrace attending it. Those who fought so bravely and so frequently in the last war had exposed their lives to greater danger than the most abandoned and reckless criminal, but they had marched into the field without reluctance, encouraged by a sense of duty, and incited by a love of their country's glory. The boldness with which the peril was incurred might be equal in both cases, though in the one it was the minister of crime, and in the other of the noblest virtue. It was a mistake of lawgivers and tyrants (who sometimes affected to be lawgivers), when they thought they deterred from crime merely by investing the punishment of death with terror. Martyrs and heroes had incurred the penalty, however dreadful it might have been rendered, for Heaven had fixed the bounds beyond which disgrace could not be inflicted. In contemplating the suffering, the mind turned with detestation from the author of the punishment, while it watched with pitying veneration the agonies of the sufferer. The philosophic criminal might even imagine that at least there was something dignified in dying well, and that part of the infamy of his punishment would be compensated by the firmness of his endurance. For these reasons he thought the punishment of death ill adapted to prevent the crime of Forgery; and it was to be recollected that it was not mere justice, but manifest, signal, and conspicuous justice, that was to satisfy the public. Hence it might be laid down as a maxim, with very few exceptions, that the acts for which the punishment of death should be applied, should not only be in the highest degree dangerous to society, but attended with circumstances of violence and blood, leaving a deep impression on the mind, and reviving indignation at the offender on the recollection of his crime. He did not mean to undervalue the guilt of Forgery, but he contended that, according to the general feeling of mankind, it was not that species of crime which, by subsequent reflection upon its circumstances, recalled a sense of the justice of the punishment. He now came to the proposition he intended to offer by way of Amendment. He proposed that Courts of Justice should have power to inflict imprisonment and hard labour for a term of not more than fourteen years, giving them also the power to inflict solitary confinement in cases absolutely requiring it: he would give Courts the power to transport the prisoner to any place, to be named by his Majesty and his Privy Council, beyond seas, for a term not exceeding fourteen years; and lastly, he would arm Courts, in cases of rare occurrence, requiring more than usual severity, with authority to inflict both punishments, the one to follow the other. He proposed these alternatives, in order that there might be many degrees of punishment, as there were many degrees of guilt; and as it was an experiment, he was desirous that it should be made in a manner best fitted to ensure success. Another amendment would be, that the power existing in Colonial governments, under certain circumstances, to remit the punishment, should be taken away in cases of Forgery, and that no sentence should be remitted but by the decision of the King in Council. It had been said, that if this experiment failed, a return to the old system would be impossible. But what did that assertion prove? If there were any foundation for it, it showed that such was the abhorrence now entertained of the infliction of capital punishment in cases of Forgery, after the experience of its inadequacy, that a future Parliament would find it impossible to re-introduce it. It might be said by the right hon. Baronet, that the time was not yet come when it would be fit to make so great a change; but he (Sir J. Mackintosh) would ask, in reply, where was the danger, if the House endeavoured to quicken the pace of Ministers upon this subject? The House of Commons, speaking the sense of the people of England, might very properly urge the members of the Cabinet to increased speed: and, although it was very possible that ere long Members would have to return to their constituents, they might very fairly urge, that if they had erred, it was in favour of the cause of humanity, and to prevent the commission of crime. The House would err in deference to the general testimony of all who were best acquainted with the subject, and who, in the petitions, had given the same evidence that they would have delivered upon oath. When the question was discussed in 1822, the case of the forgery of wills had made a great impression adverse to a change in the law; a return had been made of all the convictions since that year for the forgery of all instruments; it appeared that there were only ten cases of the kind, and was it worth while to preserve the severity of the law for their sake? Important changes of opinion upon this subject had already occurred. He recollected that when he (Sir J. Mackintosh) proposed, in 1821, to lessen the punishment for the forgery of marriage registers, it was vehemently opposed, on the ground that it opened the door to the fabrication of evidence of marriage, legitimacy, and the transmission of property; yet, only a short time since, the right hon. Baronet had reduced the crime to a misdemeanour, without opposition. The real question was, whether there was any great danger in endeavouring to ascertain by experiment whether this country could have its property protected without a considerably greater severity of punishment than was known in any other State of Europe? Even if his Amendment should be adopted, the punishment for the crime of Forgery would be more severe than it was at present upon the Continent. He thought that there would be no such danger, and therefore he should conclude by moving, as an Amendment upon the original Motion, to leave out the words "suffer death" for the crime of Forgery, and to insert in lieu thereof, "transportation beyond the seas, for life, or for fourteen years, or seven years, or imprisonment and hard labour, or solitary confinement, as to the Court may seem proper."

On the question being put,

Sir *Robert Peel* rose and said, that if he had expected, when he came into the House that evening, to find the question of forgery treated as a party question, and as one by which the fate of a Ministry might be decided, such an impression would have been removed by the great, not to say lavish, encomiums bestowed on his humble exertions by the right hon. Gentleman. But he entered the House with no such impression, knowing, and he rejoiced at it, that the time was at length come when they could consider all the questions connected with the criminal law of the country, as no party questions, nor be liable in discussing them to have their attention diverted from the sound reasons which ought to determine their conduct, and from the interests of those classes for which they were called on to legislate. He wished to defer to the views of the right hon. Gentleman and the great body of the petitioners; and if he had been compelled to adopt a conclusion different from theirs, he could assure them that it was after deliberate consideration that he had attained to the honest conclusion, that it would be better to preserve the punishment of death for forgery than abandon it. He had no motives to make him wish to differ from them, and he had no previously-formed theories which he was anxious to support. From the right hon. Gentleman's general doctrines respecting the punishment of death he did not dissent; but he wished to state his opinion, with the reasons and the facts on which it had been formed, on the question whether the punishment of death ought to be preserved or abandoned. There were no reasons, that he knew of, nor any circumstances in his situation, why he should not be ready to adopt the views of the right hon. Gentleman. By the bill which he had introduced into the House he proposed to meliorate one part of our criminal code, and his course had uniformly been towards the mitigation of its severity. When he came into office, seven years before the present period, the criminal law of Great Britain exceeded in severity the criminal codes of every other part of Europe, and he had then thought it ought to be meliorated. He made it, since he had been in office, the great object of his ambition, not to set the example of meliorating this code, but to follow the example previously set by others. He had found, however, that the habits and usages of the country were adapted to and formed on the severity of our code, and he found it necessary to proceed in the mitigation of this severity with great caution. He thought it advantageous to continue the severity of the law in its letter, but gradually to meliorate its practical application. The bills he had introduced into Parliament, consolidating the criminal laws, had, in part, abandoned capital punishment; but he looked forward to a time when the criminal law, after the consolidation of its different parts had been carried into effect, should be again brought under consideration. When that was the case, the House might, with propriety, take the question into consideration, whether further mitigation of its severity should not be attempted. In his views he had adopted the recommendation of the committee over which the right hon. Gentleman had presided, and had endeavoured first to simplify the law, with a view to its mitigation afterwards. What he had done to consolidate the law was not to prevent the whole subject being hereafter brought under review; and when the simplification was complete, a further mitigation of its severity might be found expedient. If he resisted, at that time, the proposition to abolish the punishment of death for forgery, he must appeal to the course he had pursued, and to the practical application he had made of the law, to show that he was not attached to that punishment. He had not contented himself with a bare expression of his opinion on this point; he had, by the advice he had given to the Crown, carried those opinions into active operation. He found that in the seven years previous to 1822, when he came into office, the number of executions, in England and Wales, was 731, while the number of executions since 1822 —that is up to December, 1829—was 433, showing a considerable diminution. The number of executions in London and Middlesex in the former seven years, was 192; in the latter seven years, or during the period that he had been in office, it was 120, showing a diminution of seventy-two. He was afraid that this diminution could not be laid to the account of the diminution of capital offences, as they had been rather on the increase. Perhaps, indeed, the mitigation of the severity of the laws might have encouraged and facilitated prosecutions, and so more capital crimes had been prosecuted, but he did not believe that the diminution of executions could be accounted for by the diminution of capital offences. He thought that the House, when it took the subject into its serious consideration, would pause before it gave its consent to abolish the punishment of death for forgery; and he wished first to state the reasons, and afterwards the facts, which ought to be well weighed by hon. Members before they consented to abolish the capital punishment for this crime. With respect to the crime itself, there were many reasons, such as the magnitude of the gain which might be acquired—the facility of committing the crime, the difficulty of detection, and the temptation to commit it, which marked it with peculiar characteristics, and made it deserving of especial consideration. As an illustration of the magnitude of the sums to be obtained, he would refer to the case of Fauntleroy, the amount of whose forgeries was not less than 353,000*l.* The Bank of England was answerable for forgeries committed by this individual through a series of years, and actually paid a sum of 353,000*l.* Looking to the temptation, he would observe, that it came across a man overwhelmed with distress, who, by the mere presenting a draft at a banker's, might be relieved from his difficulties, and find himself suddenly in the midst of prosperity; and then, if he did succeed, there was the difficulty of detection. In this crime there were none of those revolting circumstances which alarmed mankind. There was no confederacy necessary. The criminal did not need to disclose his guilt to any *particeps criminis;* there was, consequently, an extreme difficulty of detection—the draft was paid by a banker's clerk, who might, perhaps, be induced, in a case of need, to cancel it or to deliver it up. Then the signature might be so well imitated, that no precaution could detect the forgery at the moment. No vigilance, therefore, could guard against it; and when it was once committed there might be no remedy. No receiver, too, was necessary, as in the case of many other crimes; and the property, when once obtained, could not be made evidence against the criminal. But even the crime itself might be committed by an innocent man, and a man ignorant that he was committing a crime. A man presented a draft at a banker's; it was paid, in the hurry of business, over a crowded desk; the person who presented it might not be the forger, but somebody whom he had employed. The real guilty party might escape, if the stake were large enough, to the continent; he might leave the country; but even if he did not do that, the difficulty of detection was very great. It depended obviously on a question of personal identity. The clerk who paid the draft must, in the first instance, recognize the man who presented it; and if he were only some ignorant and innocent agent, he must find out and identify his employer. Thus, it was a question of double identity; and that must be decided, before the guilt could be brought home to any person. When he recollected, therefore, the magnitude of the gain—the great temptation—the difficulty of the detection, that there were no confederates necessary, and no violence to alarm people, as in a burglary or murder; coupling all these circumstances with the large properties concerned, he thought they invested this crime with a peculiar and exclusive character—a character which belonged to no other species of crime against which the Legislature had to guard. Before the House resolved to abolish the punishment of death, the Members should be well convinced that they could find a more efficacious punishment, such as that recommended by the right hon. Gentleman. The House before it came to such a Resolution, would pause, and it would deliberate long before it adopted the proposition of the right hon. Gentleman. He did not by any means undervalue the public sympathy in giving force to laws, or rendering them nugatory; he adverted with all due respect to the opinions of the petitioners, but he did not find them conclusive against his view. The petitioners, generally speaking, were not the persons most interested in the question, though, if he looked only at individual interest, he must be silent. If a regard to that were all the arguments he could urge, he must abandon the defence of the law—but if it could be made out that the apprehension of the punishment of death prevented the commission of the crime—if public morals were protected by the fear of this punishment—if without that punishment there would be a great increase of the offence—if these things could all be made out, then there would be very strong, and, indeed, very powerful reasons for maintaining the punishment. If it could be shown that the fear of death did operate to prevent the commission of the crime of Forgery, and if property were defended by it—which was not immaterial—he conceived that they would not be justified in abolishing it. If he could also show, that those who petitioned against it were not the parties most interested, he thought the House would have good reasons for withholding its assent to the prayer of their petitions. The chief petitioners in favour of the measure most interested in it were the country and provincial bankers, but the direct and immediate interest they had in it was not to be compared to the interest of the bankers of London. London was the great centre, and mart of all money transactions, and very few bills of exchange, drawn or negociated through the whole country, but found their way to London. The danger of Forgery, therefore, was ten-fold greater in London than in any other place. Since the abolition of the small notes also, the number of Forgeries committed on country bankers had considerably diminished. Forgeries of *5l.* notes, and of notes to a large amount, had never been so frequent as of the *1l.* and *2l.* notes. It might, at first view, appear as easy to obtain *50l.* or *20l.* for signing a name as *1l.* or *2l.*; but it was to be remembered that the large sums caused the notes to be examined. The small notes also were taken by a different class of persons—they were passed among the working classes, who had not time nor skill to examine them or to detect the Forgery. Moreover, generally, the *5l.* notes were made payable in London; and if they were once paid, the London banker was responsible for the sum. As to cheques, which were the great instruments forged, the country bankers hardly used them. They were not acquainted with cheques as they were used by the London bankers. Besides, in their narrow circle, every person who drew cheques was known, and Forgery was there much more difficult than in London. He believed that the forgery of a cheque in any provincial town, except Bristol, Liverpool, Manchester, and one or two others, was hardly known. Thus, in estimating the interests of London and Country Bankers in this question, those of the latter would be found to be comparatively small. The argument in favour of the principle he was opposing was this, and he wished to state it fairly. The severity of the law, it was said, defeats its own object; it prevents prosecutions, it leads, when criminals are prosecuted, to their acquittal, it enlists in their cause the sympathies of juries, and the sympathy of the public, and leaving a prosecutor without hope of obtaining a conviction, gives him an interest in avoiding a prosecution. He admitted the existence of a reluctance to prosecute, but he believed that it was not always wholly dictated by conscientious motives; other motives, mingling with the conscientious motives, did deter people from prosecution. There was the great expense of the prosecution, and the chance of the criminal escaping. When a man had been defrauded of *80l.* or *200l.*, he did not always see the necessity of expending *80l.* or *100l.* more in prosecuting the criminal, without a chance of recovering his property. It might only be regarded, according to a vulgar saying, as throwing good money after bad; and, therefore, prosecutions were abstained from on account of the expense, as well as on account of conscientious motives. To illustrate this he would observe that the country bankers had proposed to the Bank of England, in cases where the forged bills of the latter were paid to the former, to give the Bank of England all the information in their power if it would prosecute, or even to be at half the expense; but when they found that the Bank would do neither they declined to prosecute. He could not allow, therefore, that all the reluctance proceeded from conscientious motives; and he could not admit, that if the law were altered as to severity that there would be no reluctance to prosecute. He was sorry to fatigue the House with details, but he hoped that the Members would give to the following facts their deliberate attention. The argument was, that the reluctance to punish the parties with death prevented individuals from prosecuting and juries from convicting. It was difficult to determine the cases not prosecuted. Individual instances were, no doubt, known, but he hoped the House would not draw a general conclusion from isolated facts. He would compare the cases abandoned by prosecutors, after commencing the prosecution for Forgery, with the prosecutions abandoned for some other crimes. Selecting the seven years between 1823 and 1829, inclusive, he had examined the question in reference to six other capital offences; that was, he had taken the charges preferred on six capital offences, and the number of prosecutions abandoned on them. These were murder, burglary, highway-robbery, horse-stealing, sheep-stealing, and offences under Lord Ellenborough's Act. On these six capital offences, the number of offences charged in the seven years was 8,392; and of these 1,054 had not been prosecuted, or the abandonment of prosecutions amounted to one-eighth of the whole number of charges. The number of charges of Forgery during the same period was 383, and of these fifty-three cases had not been prosecuted. There was, therefore, about one-eighth of the prosecutions for this crime, as of the former class of crimes, abandoned. There was no greater number abandoned in Forgery than in murder and other crimes. The acquittals were of more importance, in his view of the matter, than the abandonments of prosecution, for they had in them less of what was vague and uncertain. Taking the capital crimes before mentioned, he found that the number of them charged in the seven years he had already alluded to was 7,328, and of these the convictions were 4,850, so that the proportion of convictions to charges was as two to three. There was one third acquitted. The proportion of acquittals for Forgery was not greater. It might be said, indeed, that several of the crimes he had selected—such as sheep-stealing and horse-stealing—were, like Forgery, condemned by the general sentiment, and therefore that the acquittals under them would be as numerous as those under the charge of Forgery, and from the same cause. To avoid this imputation, he would take the case of murder, and see what proportion the charges and acquittals bore to each other. The charges for murder, in the seven years, were 479, and the convictions were only 99; so that the convictions were to the charges as one to five. There were in the same period 2,760 charges of Forgery, and the convictions were 1,790; so that the House would see that the convictions were more numerous in proportion for Forgery than for murder. The latter was as five to eight, the former only as one to five. He contended from this view, that the law had not been so inoperative, as some hon. Members supposed and that it had, in fact, protected property to a very considerable extent. He thought, therefore, that the punishment of death had checked the crime of Forgery, and was thus a protection to public morality. The parties most interested in the question of preventing Forgery were the London Bankers, and Bank of England, and he would advert to the magnitude of the property they had at stake. He would first take the case of the Bank of England, and the House would see if the punishment of death might not be necessary for the protection of its property. The number of Stock Accounts, in the Bank of England, was not less than 300,000. It paid in the course of one year, not less than 400,000 drafts, and there were not less than 1,000 transfers of Stocks made in its books daily. Before they came to any determination on this subject they ought to look to the state of criminal prosecutions for Forgery at the present moment. And first he would beg the House to look at the number of prosecutions instituted by those establishments most exposed to suffer from Forgery. The prosecutions, then, of the Bank of England since the withdrawal of the 1*l.* notes had been gradually on the decline. Bear this in mind, therefore, when the question of altering the law was to be considered, that in an establishment which had 300,000 accounts of Stock—which paid 400,000 checks every year, and which had 1,000 transfers of stock every day, there had been only two prosecutions for Forgery at the last assizes, while up to the present moment there was not a single prosecution pending for the next assizes. This was the state of crime, with reference to this great establishment, under the present law of punishing Forgery by death. He had felt it his duty to make very minute inquiries with respect to the practical operation of the present system, in the case of the great London Bankers, in order that he might come to some positive conclusion whether the infliction of the punishment of death tended to the promotion of morality, or of the reverse. It might be necessary to state, that in London there had been formed, in the year 1825, an association for the purpose of protecting Bankers against Forgery, by an immediate prosecution of all those accused of that crime. This association was composed of thirty-six of the most eminent London Bankers. They have a secretary and a solicitor, and to them, he apprehended, it was the practice to commit the conduct of the prosecution. The members were, of course, bound to communicate any offence in the way of Forgery, of which they became cognizant. He believed there were two instances of a departure from that practice. He would not name them; but ordinarily, he understood, it was the practice for the members to communicate to the secretary and solicitor the commission of any Forgery which came to their knowledge.

Mr. *Martin* begged pardon for interrupting the right hon. Gentleman; but although he was a member of the association, he never understood that it was binding on them to make any communication to the secretary or solicitor, unless they thought proper to do so.

Sir *R. Peel* said, he did not wish to mention names, but he had been assured of the fact on very good authority. Returning, however, to this association, he found, by returns which he had received, that at the Clearing Office of these Bankers there were paid, on the 13th, 14th and 15th of the month of May, bills and checks to the number of 45,800, and the money value of this amazing number of drafts and bills, all of them liable to Forgery, amounted to 10,095,000*l.* But this was not all—he found that four of the banking houses, whose members belonged to the committee, liquidated demands upon paper, and therefore liable to Forgery to the extraordinary amount of 500,000,000*l.* in the year. Now, by the returns from the secretary of the Committee of London Bankers, he found, that in 1827 there were nineteen Forgeries committed, and that the amount of the Forgeries was 7,000*l.* In 1828 there were sixteen Forgeries, and the amount was 15,000*l.* In 1829 there were twelve Forgeries, and the amount was 2,500*l.*; and in the present year, up to the latest time at which the return could be made out, there were only four Forgeries, and the amount was 658*l.* Coupling, therefore, the fact of there being at the present moment no Forgery under prosecution by the Bank of England, and that the prosecutions by this society of the Bankers of the Metropolis were gradually diminishing, he thought they ought maturely to consider how far the present law had proved sufficient for its end, before they abandoned the infliction of the punishment of death, and substituted for it a secondary punishment, which was expected to operate more effectually to the prevention of crime. He confessed he had not heard from the right hon. Gentleman that satisfactory explanation of the nature and effect of secondary punishments which he expected from him with reference to this subject. The men accustomed, as forgers generally were, to all the comforts and many of the luxuries of life, were not likely to be influenced so much by the fear of the punishment of transportation and imprisonment, as of death. They were, by their habits and education, placed in a situation which prohibited the beneficial exercise of the system of secondary punishments. In many cases the Government had tried the effect of secondary punishments. It had imprisoned men for seven years, and what was the consequence? Why that the low diet and the languor produced by solitary confinement had given rise to a mortal and infectious disease, which the most eminent physicians ascribed, after the most minute inquiry, to purely moral causes, to the languor of long and solitary confinement, coupled with the prison diet, which, as a fit punishment, was allotted them. It was observed, indeed, by Sir Henry Halford, when giving his evidence to the committee who sat on this subject, that punishment by solitary confinement and low diet, acted with a double force on those whose previous habits were far removed from such privations. But, in addition to disease, there was another evil to be guarded against. It not unfrequently happened, that the languor of solitary confinement led to some of the most formidable aggravations of insanity, Then came the question of whether this insanity was feigned or real—whether the sufferings were pretended, or the result of the situation and previous habits of the criminal—so that, under any view of the case, the infliction of long solitary confinement as a secondary punishment, presented numberless difficulties. Then came the question of the infliction of hard labour. Now, with every disposition to make the criminal suffer by the infliction of hard labour, it not unfrequently happened that his previous habits of life precluded the possibility of putting that portion of the sentence in force. It was frequently impossible to inflict such a punishment. But supposing he did send a man of education to the hulks at Deptford or Chatham; after he had been there for two or three years, suffering under the eyes of the public, what security had the Executive that the public sympathy would not be as much awakened in his favour, and the public prejudice as much directed against the infliction of hard labour, as it is now against the taking away the life of the offender for the same crime? What certainty had he that the public and prosecutors would not shrink as much from inflicting the punishment of solitary imprisonment or hard labour, as they now do from that of death? The infliction of secondary punishments, such as hard labour, low diet, and solitary confinement, had been tried for ten years, and it had been found impossible to continue it, for the consequence always was, that they were compelled to alter the diet of the prisoners, and to give a kind of nutriment, which, as was observed by an hon. Member (Colonel Davies) the other evening, when he had not an opportunity of answering his remarks, rendered the situation of the convict an object of envy to the agricultural labourer, whose honest industry would not procure him any sustenance of the same description. It was said, however, that they might transport offenders of this description to New South Wales, and keep them to hard labour there. Independently of the power which a man of education must always exercise among such persons as he would be compelled to associate with in New South Wales, it was scarcely possible to guard against other peculiarities of the situation of a person committing Forgery. A man who was guilty of that crime, seldom or never failed to secure a considerable sum of money. He might even escape discovery long enough to accumulate a very large sum, and it must therefore be taken into calculation, that when detected and subjected to punishment, he might employ a portion of his gains for the purpose of effecting his escape. In truth, if the infliction of secondary punishments, such as imprisonment or confinement to the hulks, were to be had recourse to in such cases, he for one had no confidence in being able to prevent a forger from finding the means of escape. For these reasons, which he had thus candidly avowed, he had no confidence in secondary punishments producing the end all had in view—the prevention of crime—unless they made them so severe that the mind of the prisoner would be affected—the public sympathy awakened for his sufferings, or his constitution prove inadequate to the support of the sentence. On these grounds, therefore, he submitted the question to the impartial and unbiassed decision of the House—premising only that his decided opinion, supported by many years' experience, was in favour of the law as it stood, and expressing, as he did, his conscientious conviction that the adoption of the right hon. Gentleman's proposition would not tend to the repression of crime. He must oppose the Amendment.

Mr. *Brougham* said, he felt bound, from the very same arguments, to come to a different conclusion from that adopted by the right hon. Gentleman. It was said that the number of prosecutions by the Bank of England was daily diminishing, and that as there could be no such desire to avoid the infliction of capital punishments in the minds of the Directors of the Bank of England, that unflinching prosecutor, as was visible in others,—as they were free from any scruples on that point, that therefore, the offence of forging was not so often committed, and the law required no alteration, because it worked well for the protection of the bankers and the public. The right hon. Gentleman also contended that secondary punishments were not safe to rest on for security; and he contended that they were at all times of too unsatisfactory a nature to deter from the commission of crime. Now, that was just his (Mr. Brougham's) difficulty in this case. How was it that the law performed its office well? Why, because of this very secondary punishment, which the right hon. Gentleman attempted to demonstrate was inefficient and insupportable, and almost impossible to be executed. He would just beg of the House to look a little at the real state of the case. In the last seven years there had been 217 convictions for Forgery—that is, 217 persons sentenced to death, independently of those who were compelled to suffer minor punishments for minor offences of the same nature. And how many had been subjected to the unsatisfactory and ineffectual, and all but impracticable secondary punishments which the right hon. Gentleman describes? Why, of this 217, just twenty-four were executed: just nine, to one therefore, had been subjected to the secondary punishment alone. If, therefore, there was only one criminal hung out of every ten, the punishment of death, upon which the right hon. Gentleman laid so much stress, terrifies, not because it is certain, but because it is nine to one that the criminal escapes. The persons who commit Forgery are practical men, they are skilled in calculation: they know that one in ten is executed, and that the others escape. It is, therefore, ten to one, in the present case, in their minds, that, having committed Forgery, they may not, if detected and convicted, escape that punishment which the right hon. Gentleman says they so much dread; for if they do not look forward with anxiety and dread to the consequences of their crime, the principle of the right hon. Gentleman's arguments fails altogether. If men did not reason on the probable consequences of their crimes, if they had no foresight, no knowledge of their possible effect, then must punishment as an example be altogether useless, and it would be better to get rid of it: if they did reason, if they did calculate, they must calculate, they must reason in the way he had described, even calculating the chances in their favour with a sanguine temperament, and they must be made criminal by the hope of escaping the punishment at present ordained for their offence. The question then is—and it is not a new one—whether, if the chance of the punishment of death happening to one in ten, does not prevent the crime of Forgery, the certainty of the secondary punishment, which they also must calculate on, will not operate materially to influence those who are disposed to the commission of such a crime? It is well known that the men who generally embark in hazardous enterprises, such as those undertaken by the forger, are persons of a very sanguine temperament, and that they generally build very strongly on their good fortune, and take a very favourable view of the prospects under which they venture to commit such a crime. Ought the Legislature then to build up a fabric to encourage those sanguine temperaments, and hold out to the forger a prospect spread before him, a field of chances, in which there are nine to one in favour of his escaping with impunity from the fate which should await his crime? First, there is the chance that he will not be detected; secondly, there is the chance that when detected, he will, from motives of humanity, and because the persons on whom he has forged disapprove of the punishment of death, not be prosecuted. Next, then, is the chance that when prosecuted he may, from some flaw in the evidence, escape conviction; and lastly, there is the chance, that after having run through all this gauntlet, he will be landed in such a situation, that it is ten to one whether he does not escape capital punishment. This is the position in which those who commit Forgery feel themselves now, and these are the terrors which the right hon. Gentleman would have them to believe led to the gradual extinction of Forgery. One great difficulty was, to induce juries, under the existing law, to convict for Forgery. But the grand difficulty was, to prevail on prosecutors and witnesses to come forward. Even if prosecutors were callous themselves, which was rarely the case, they were surrounded by persons who were not so, and who would dissuade them from prosecuting, lest, in the event of a conviction, the Judge should happen to lean towards severity. Whether from one motive or another, therefore, prosecutors were disinclined to proceed; but principally, perhaps, because they felt that the reluctance of witnesses and jurors rendered it a matter of great difficulty to obtain a conviction. The grand difficulty however, was, to prevail upon prosecutors and witnesses to come forward, which was even much greater than getting jurors to convict, for when men were assembled together in the jury-box, placed in an elevated situation, before their assembled fellow citizens, and under the eye of a Judge, bound by the oath they had just taken, the effect of which circumstances was best known to those who most practised in courts of law—when their omissions as well as their commissions were carefully noted, their errors and their ignorance being equally subject to criticism and review—when men were so situated it was not so difficult to induce them not to give way to what was perhaps called their mistaken feelings, and not to act on those humane inclinations which would guide the conduct of every one of them, when acting as an individual, bound by no oath, and not exposed to public scrutiny. The Statute-book might be blackened or reddened as much as the Legislature chose, but it was merely waste paper if the enactments which it contained could not be carried into effect. It ought to be considered that there was no public prosecutor here, as in Scotland, and this he was free to confess seemed to him to be the root of much evil in all our criminal proceedings. But if prosecutors were with difficulty brought forward, the difficulty of bringing forward witnesses was still greater. Those who had been accustomed to attend the Assizes at Lancaster were alone able to judge of the difficulty of inducing persons engaged in mercantile pursuits, and residing in Liverpool or Manchester, to sacrifice their time and to travel fifty or sixty miles, in order to give evidence in ordinary cases. How much more reluctant they were to come when their object was, to establish the guilt of a human being who might by their testimony be doomed to death, it was easy to imagine. The true mode of forming any penal code was, to make the punishment a certain one, whatever it might be. No man would commit a crime, if he were absolutely certain that in the course of three or four months he would be prosecuted and punished. No man would ever forge a note for 1000*l.* if he were absolutely certain that, for that offence, he would suffer, not death, but two years' imprisonment. It was true that it was impossible to make the punishment of crime absolutely certain; but every effort should be made to approximate as nearly as possible to that result. To show how much greater the approach to certainty in the punishment of some crimes was, as compared with the approach to certainty in the punishment of other crimes, he would contrast the crimes of murder and forgery. Of 217 persons convicted of Forgery in seven years, only twenty-four had been executed; while of ninety-seven persons convicted of murder in the same period, eighty-eight had been executed. The right hon. Baronet had attempted to prove, that there was no more difficulty in obtaining convictions for Forgery than for murder, and he had referred to returns which shewed that in proportion to the number of prosecutions for Forgery, the number of convictions was greater than for murder. But that was plainly owing to the fact, that indictments for murder included two classes of offences, murder and manslaughter; so that out of the 400 and odd trials to which the right hon. Baronet alluded, it was possible that not above the ninety-nine convictions he mentioned were cases of actual murder. There was no offence known to the law in which so many distinctions were taken as killing a man; no crime concerning which there were so many difficult points, from all which circumstances there were just so many chances, that a man, on being indicted for murder, might be found guilty of manslaughter. That fact completely disposed of the argument raised by the hon. Baronet, on the supposition that convictions were as frequent in prosecutions for Forgery, as in prosecutions for murder. To shew that the present law worked well, the right hon. Baronet had stated, that the Bank of England had only two prosecutions for Forgery in the last year. But why? Because the Directors of that company only brought forward cases in which they felt confident that they could obtain convictions. Their conduct had been unpopular in this respect, and they would now even withdraw after having commenced proceedings if they saw the least chance of being defeated. That the general impression throughout the country, on the part of those most interested in the question, was in favour of the abolition of death for the crime of Forgery, could not be doubted. The Table groaned with petitions to that effect. These petitions were suggested, not merely by the feelings of humanity, but by the dictates of good sense. They proceeded from persons to whom paper credit was the breath of their nostrils; they proceeded from persons who complained that the crime of Forgery went unpunished, and who declared that it would continue to go unpunished while it continued to be a capital offence. The cases of Forgery which the Bill exempted from the punishment of death were so rare, that, practically speaking, they were as nothing. The degree of improvement in the law, therefore, which the Bill was calculated to effect could not be rated higher than zero. Bank-notes, bills, and promissory notes were indeed frequently forged, but not so bonds or deeds. He would make a concession to the right hon. Gentleman—he would allow the punishment of death to be inflicted for the Forgery of the Great Seal or for the Forgery of the Privy Seal. The fact was, however, that there was no reason for making any distinction whatever on the subject. Such were the opinions which he entertained upon this question—opinions which he had imbibed many years ago from his great and lamented friend, Sir Samuel Romilly—and therefore he had felt it his duty not to be altogether silent with respect to them. He congratulated the friends of humanity on the discussion of that night, and on the great progress that they were making in public opinion; and he congratulated his hon. and learned friend on the prospect that he would live to see the day, when this stain upon our Statute-book would be removed.

Mr. *F. Buxton* observed, that at that late hour he would trespass upon the patience of the House with but very few remarks. The law, as it at present stood, encouraged instead of discouraging crime; it was an encouragement to perjury on the part of jurors, grounded on a tenderness for human life. There was much to justify this tenderness. If he were told that a criminal would be subjected to some ignominious punishment, that he would be condemned to hard labour or transportation for life, he might be induced to spare no pains to bring him to justice; but the case was different when he knew that the result of bringing a criminal to justice might be putting him to death, and sending him to the awful tribunal of another world with all his guilt on his head. Let the House recollect that a petition had been that day presented in favour of abolishing the punishment of death for Forgery, signed by above 1,000 bankers. That was not like an ordinary petition. No object could be so important to such petitioners as the prevention of Forgery. Hundreds of millions of money passed through their hands; and they were therefore most deeply interested in the adoption of such measures as would guard them from loss; but they declared by their petition that in their opinion the infliction of death for the crime of Forgery was not calculated to effect that object. It was formerly said that the friends of the abolition of the punishment of death for Forgery were theoretical. Now, however it was distinctly stated by large bodies of practical men, that the punishment of death for Forgery prevented prosecutions and convictions, and thereby left their property unprotected. The difficulty of obtaining convictions, naturally prevented bankers from prosecuting; for it was obvious that there were many reasons to disincline bankers from letting the world know that Forgeries had been committed upon them, unless they could feel tolerably sure of being able to convict the persons by whom those Forgeries had been perpetrated. There were many other points on which it would be easy to dilate; but he would abstain from troubling the House any further at that late hour.

Mr. *C. W. Wynn* highly complimented his right hon. friend on the efforts which he had made, and was making to ameliorate the Criminal Code of the country, although he could not agree with him on the present question. His right hon. friend had stated, that country bankers were not sufferers by Forgery; but by the returns on the Table, it appeared, that there were more convictions for Forgery at the county assizes than in London and Middlesex. It was demonstrated that the severity of the threatened punishment did not check the increase of the offence. Though he was disposed to pay great deference to the opinion of his right hon. friend, he must vote for the abolition of the punishment of death. Was it not worth while to try the experiment of abolishing it? If the experiment failed, the public feeling would then be reconciled, however reluctantly, to the re-enactment of the capital punishment. In his opinion, the last and severest punishment that it was in the power of man to inflict ought to be reserved for offences of the greatest moral guilt.

Mr. *J. Martin* was persuaded that, upon the whole, it was desirable to try what effect the abolition of the punishment of death would produce.

Sir *J. Yorke* was of opinion, that if the law were once altered, it would not be easy to bring it back to its present state. Having more faith in the judgment of his right hon. friend than he had in that of a 1,000 bankers, he should vote for the Bill as it stood.

Sir T. D. Acland supported the Amendment.

After a few words from Mr. Brougham and Sir Robert Peel, the Committee divided—For the Amendment 118; Against it 134—Majority 16.

List of the Minority.

Acland, Sir Thomas
Althorp, Lord
Anson, Hon. Geo.
Batley, H.
Bayley, Col.
Baring, Sir Thomas
Baring, B.
Baring, F.
Bell, M.
Bernal, R.
Blandford, Marquis
Bramston, T.
Brougham, H.
Buck, L. W.
Buxton, F.
Buller, C.
Browne, Jas.
Brownlow, Charles
Byng, George
Benett, John
Barclay, D.
Barclay, C.
Bentinck, Lord G.
Carter, J. B.
Cavendish, Wm.
Chichester, Sir A.
Colborne, R.
Crompton, Samuel
Calthorpe, Hon. A. G.
Calthorpe, Hon. F. G.
Corbett, P.
Clements, Lord

Calvert, N.
Calvert, Charles
Davies, Colonel
Denison, W. J.
Dickinson, W.
Dundas, Sir Robert
Dawson, Alex.
Easthope, John
Ebrington, Lord
Ewart, W.
Fergusson, Sir R. C.
Fortescue, Hon. G.
Fyler, J. B.
Grant, Robert
Graham, Sir James
Grattan, Henry.
Grattan, James
Guise, Sir W., Bart.
Gooch, Sir T.
Harvey, D. W.
Heneage, G. F.
Horton, Rt. Hon. W.
Howick, Lord
Huskisson, Rt. Hon. W.
Honywood, W. P.
Hobhouse, J. C.
Jephson, C. D. O.
King, Hon. Robert (Roscommon).
Kennedy, T. F.
Kekewich, S. T.
Kemp, T. R.
Lawley, Francis
Lennard, Thos. B.
Legge, Hon. A. C.
Lushington, Dr.
Macauley, T. B.
Marjoribanks, S.
Monck, J. B.
Morpeth, Lord Visct.
Marshall, John
Marryatt, Joseph
Martin, John
Milton, Lord
Macintosh, Rt. Hon. Sir James
Nugent, Lord
O'Connell, Daniel
Ord, W.
Oxmantown Lord
Parnell, Sir Hen.
Pallmer, C. N.
Palmerston, Lord
Pendarvis, E. W.
Ponsonby, Hon. G.
Ponsonby, Hon. Wm.
Protheroe, Edward
Poyntz, W. S.
Robinson, G. R.
Robinson, Sir G.
Ridley, Sir M. W.
Rice, Spring
Russell, Wm.
Russell, Lord John
Rumbold, Chas. E.
Sebright, Sir John
Slaney, R. A.
Shelley, Sir J.
Smith, Robert
Smith, William
Stanley, E. G.
Tennyson, C.
Townshend, Lord C.
Talmash, Hon.—
Trant, W. H.
Villiers, J. H.
Wall, C. Baring
Ward, John
Warburton, Hen.
Whitmore, W.
Western, C. C.
Westenra, Hon. H. R.
Wood, Charles
Wood, Alderman
Wynn, Right. Hon. C.
Wynn, Sir W. W.
Wilson, Sir Robert
Wrottesley, Sir John

TELLER.

Thomson, Poulett

PAIRED OFF.

Attwood, M.
Beaumont, T. W.
Birch, Joseph
Cave, Otway
Davenport, E.
Dundas, Hon. Thos.
Ellis, Agar
Gordon, Robert
Hume, Joseph
Phillimore, Dr.
Power, R.
Russell, Lord Wm.
Stanley, Lord
Sykes, Dan.
Thompson, P. B.
Wood, John
Wyvill, M.

The various clauses of the Bill then went through the Committee.

Mr. F. Buxton gave notice that, on the bringing up of the report, his right hon. and learned friend would move that the punishment of transportation or imprisonment should be substituted for the punishment of death.

The House resumed; the report to be received the next day.

HOUSE OF LORDS.

Tuesday, May 25.

MINUTES.] Petitions presented. By the Earl of HAREWOOD, from Dewsbury, in favour of the Removal of the Assizes for the West Riding of Yorkshire from York to Wakefield; and from the Landowners of Septon, to the same effect. By the Marquis of ORMOND, against the additional Duty on Spirits, from Kilkenny. By Viscount CLIFDEN, from the Directors of a Provincial Bank in Ireland, against the Punishment of Death for Forgery. By the Bishop of LONDON, from Chelmsford, for the Abolition of Slavery in the Colonies. By the Marquis of CLEVELAND, from the Shipowners of South Shields, against the Duties on Coals. By Earl BEAUCHAMP, from the Magistrates, Clergy, and Inhabitants of the City of Worcester, against the Punishment of Death for Forgery. By Lord WHARNCLIFFE, from a Dissenting Congregation near Leeds, praying the Abolition of Slavery. By the Marquis of CLEVELAND, from the Shipowners of Newcastle-upon-Tyne, for the reduction of the Duty on Coals. By the Duke of DEVONSHIRE, from the City of Waterford, complaining of Taxation, and praying Relief. By Earl GOWER, from Ross, against the increased Duty on British Corn Spirits.

THE KING'S INDISPOSITION — THE SIGN MANUAL.] The Order of the Day for taking into consideration his Majesty's Message was then read.

The Message was then read by the clerk, [*see the debates of May* 24.]

The *Lord Chancellor* rose and said, that he presented himself to their Lordships, in consequence of the notice given yesterday by the noble Duke at the head of the Government, in conformity with the recommendation and suggestion contained in his Majesty's most gracious Message, to state the nature and outline of the measure which it was the intention of his Majesty's Ministers to propose to the House for their adoption, in order to give effect to the royal wish. He deeply lamented the occasion which called for that measure, and in the expression of that feeling he was sure he carried with him the sympathies of their Lordships, as he did those of every individual throughout this loyal nation. He was thoroughly and deeply sensible of the delicate and difficult nature of the measure which he had to submit to their Lordships. It was of the utmost importance, as the necessity of the case required that some measure should be adopted for carrying his Majesty's wishes into effect. At the same time the measure must be adopted in such a shape and form as not to occasion any detriment to the public service. He felt deeply the importance of the recommendation offered by the noble Earl (Grey) who took part in the conversation last night, that with respect to a measure of that description, their Lordships should look not merely at present men and present circumstances, but should also take care that they did not establish a precedent which, under men of a different character and in bad times, might possibly lead to public inconvenience and danger. It was perfectly obvious that for the purpose of remedying the inconvenience arising from the impossibility of obtaining the personal signature of his Majesty two modes might be adopted. One was, that some other person or persons should, in the presence of his Majesty and by his command, subscribe his Majesty's name by his express and immediate authority. The other mode was, that some individual or individuals should, by a stamp prepared for the purpose, and bearing the impress of the royal sign affix that stamp for the purpose of expressing his Majesty's signature in his presence and by his immediate and express command. With respect to the latter mode, he was able to inform their Lordships that it had been adopted at different periods in the history of this country. What he stated did not depend on loose testimony, but rested on the evidence of authentic documents, which remained unimpaired in a public institution. The earliest document to which he would refer, because it appeared to be the most material and important, was a patent in the reign of Henry 8th. That patent was at present in a perfect state in the British Museum. It appeared by that document, under the Great Seal, that Henry 8th gave power to certain persons therein named, the Archbishop of Canterbury, the Lord Chancellor, the Lords and other members of the Privy Seal, or any six of them, to affix, from time to time, a stamp, bearing the impress of the royal signature, to warrants authorizing the payment of money from the Royal Treasury. That authority was given for a limited time. It was not given in consequence of the indisposition or inability of his Majesty to perform his duty, but merely for the purpose of expedition and public convenience. There were many other instances in the reign of Henry 8th in which the Royal signature was affixed, not in the handwriting of the Sovereign, but by means of a stamp. Amongst these instances, were orders for the mustering and levying of troops, proclamations, letters which required the Royal signature, and other instruments of a similar description. These, to the amount of eight or ten, were now found in a perfect state amongst the different collections in the British Museum. Edward 6th issued two proclamations; one authorizing the levying of troops in the northern part of the island, for the purpose of providing against the incursions of the Scots, and the other was issued in consequence of an insurrection which occurred in some of the eastern counties. To both these proclamations the name of the King was affixed by a stamp, and they were countersigned by the Protector Somerset. In the reign of Queen Mary, also, a proclamation was issued at the period of the insurrection of Sir Thomas Wyatt, calling upon the persons who had taken part in that insurrection to return to their homes, and promising them pardon if they complied with her Majesty's wish within a limited period. An instance of a similar nature occurred at a subsequent period. This instance could not be vouched by the authority of an official document, but it was related by a contemporary writer of great authority and accuracy. This instance occurred in the reign of King William, in the last hour of his life, when he was no longer able to subscribe his name. It was stated that he gave his assent to the appointment of a commission for the purpose of passing into a law two bills which had recently passed both Houses of Parliament,—namely, the bill for securing the Protestant Succession, and the Malt-duty bill. It was said, that the assent of the King was given to the commission by the authority of which the bills were passed into a law, by means of a stamp prepared for the purpose. The author, upon whose authority he stated this fact, was Burnet, a contemporary of William. The fact was stated, not only by Burnet, but by other writers. He had directed his researches most diligently in the Parliament Office. He ascertained that a record of the commission does not exist. He must rely, therefore, upon the contemporary historian—and upon the authority of other writers, also contemporary. In the last year of the reign of Henry 8th, and shortly before his death, the royal signature was affixed to a commission authorizing the Royal assent to be given for the attainder of the Duke of Norfolk. The assent was given by the commission, and the King's signature to the commission was affixed by means of a stamp. That document was still in existence. In the first year of the reign of Mary, a bill was brought into Parliament to declare the attainder of the Duke of Norfolk null and void. The recital of the bill, and one of the grounds on which it was passed, was, that the Royal signature was not annexed to the commission by the Sign Manual, but by a stamp, and that the stamp was not impressed by the hand of the King, but by that of a clerk. The proof of this fact rested on the evidence of a second clerk who was present. On that account chiefly, though there were other minor grounds, the attainder was, after a severe struggle in the House of Commons, declared null and void. He mentioned these historical facts, not because he relied upon them for the purpose of showing that Government could by any possibility without the authority of Parliament substitute a stamp or any other mode of signature for the Royal Sign Manual; but when they were considering the mode in which a substitute could be found for the Royal Signature, he thought it right and proper to state what in this respect had been done on former occasions, when a substitute was adopted for the Sign Manual. On the present occasion he was sure no Minister would recommend for a moment, or suppose in point of law it could be maintained, that any thing could be adopted for the Sign Manual without the authority of Parliament. Ministers, therefore, had thought it their duty on the present occasion to come down to Parliament to ask advice and counsel on the subject, to state the measures which had occurred to their own minds, and which they would recommend to Parliament to adopt. At the same time they would readily receive, and, if they could concur in them adopt, any suggestions which any noble Lords might offer for the improvement of the measure they meant to propose. It now only remained for him to state the form of the measure, and the securities with which it was intended to be guarded. Ministers were desirous that every possible security should be thrown round the trust to be given for the purpose of guarding against the chance of abuse. At the same time it was desirable that the measure should not be clogged or encumbered so as to render the progress of public business difficult. Ministers proposed by the Bill which he held in his hand, that a commission under the Royal Sign Manual should issue, authorizing any one or more of the persons therein named to affix his Majesty's signature by means of a stamp prepared for the purpose to such instruments as required the Royal signature. By way of security, and to guard against abuse, it was proposed that the persons named in the warrant as commissioners should make oath that they would not on any occasion, except in the presence and by the immediate command of his Majesty, affix the stamp to any instrument whatever. That was not the whole of the guards and securities. It was proposed that the persons named in the commission should not have authority to affix the stamp to which he had referred, until upon the instrument to which it was to be affixed had been endorsed the nature and object of the instrument, signed by three Ministers to be named especially in the Bill. This could not fail to be considered a guard against abuse, inasmuch as it increased the responsibility under which Ministers acted. It appeared to him that if he were to stop there, the security provided was so great and extensive that no practical mischief could result from the measure proposed. But it was his duty to go further. He had already stated that a stamp was to be prepared. That stamp would be kept in the custody of certain officers—certain high officers named in the Bill. It was not to be annexed to any instrument except in the presence of one of those officers, who must attest that it was affixed in his presence—that was another security. If any noble Lord could add to those securities, he would repeat what he had before stated, that Ministers would be most ready and willing to adopt the addition. Their Lordships would perceive that the securities proposed by the Bill were, in the first instance, that the persons named in the commission should have authority only in the presence and by the immediate command of his Majesty to affix the stamp. To violate that provision would be a high misdemeanour, for which the parties would be deeply responsible, and subject to the severest punishment. Next there was the additional obligation of the oath. There was the further security, that if the back of the instrument should not be endorsed and signed as he had stated, it would be null and void. Further, the stamp must be affixed in the presence of one of the Ministers of the Crown, who must attest it. Guarded by those securities, all forgery or attempts at forgery were impossible. It was necessary to state, that it was not intended to supersede the Royal authority. To guard against the possibility of that, a clause was contained in the Bill, by which, notwithstanding the provisions of the Bill, it was enacted, that his Majesty might as usual, and according to the accustomed form, affix his Sign Manual to instruments, and that the signature so affixed should have the same force and effect as if the Bill had not passed. He had now stated shortly the objects of the Bill expressly, not for the purpose of provoking discussion at the present stage, for he thought the Bill should first be printed to enable their Lordships to come to a proper consideration of the subject, which was one of delicacy and importance, but one which required to be pressed forward with all speed compatible with the forms of the House. Giving, therefore, the best council and advice of which the Ministers were capable,—they proposed that the Bill should be read a second time to-morrow; and they also suggested the suspending of the Standing Orders, so that it might be passed through its remaining stages as speedily as possible. Indeed he saw no reason why the Bill should not be passed through all its remaining stages to-morrow. It had been suggested by a noble Earl that their Lordships should search for precedents, and appoint a committee for that purpose. On two occasions relative to the question of the Regency, there were committees; and for his part he saw no reason why a committee might not sit to-morrow, and its labours might be made concurrent with the progress of the Bill. These labours might throw some additional light upon the subject; but certainly after all his own researches, and the results of the researches of others,—he did not expect that any material information could be appended to that which had been already procured. But, at the same time, if any noble Lord chose to move for a committee he should not object.

His Lordship then put the question from the Woolsack, that the Bill be read a first time.

The Earl of *Eldon* suggested it was not necessary to read the Bill at length at present, as it was to be read a second time to-morrow.

Earl *Grey* said, he willingly bore testimony to the fairness and candour of the statement which the noble Lord on the Woolsack had just made. He was not prepared to make any objection to the mode which his Majesty's Ministers proposed; but he felt, as he expressed himself yesterday, and as the noble and learned Lord expressed himself that day, that this was a subject of great delicacy and importance. Their Lordships should therefore consider well before they enacted the law. He was not competent to say if they would meet with precedents to guide them. It had been usual, however, to institute such a committee; and he regretted, as there was no opposition, that he had not moved for a committee last night. They might have then sat that day; and there could have been no reason for delaying the progress of the measure beyond the period proposed by the noble and learned Lord. But now, although willing to afford every facility to the measure, he would beg to submit, that as the bill could not be committed into the hands of the Members until to-morrow, whether it would not be more decent to put off the second reading until Thursday. This would give room for full consideration, and when that consideration should have been given, there could be no objection to carrying the Bill through its other stages as soon as possible. He thought that the delay of one day was a reasonable request, and confidently pressed it upon the noble and learned Lord, to whom he gave perfect credit for coming to the consideration of the measure with all anxiety to guard against the abuse of the delegated authority. There was only one thing to which he was anxious to refer; that was the question of duration. He thought the commission should be limited to as short a time as possible, and whatever might be the result of the lamentable cause which created the present exigency, he trusted that this measure would be brought again under the consideration of Parliament before the termination of this Session. He did not know the term to which it was proposed the commission should extend, as the noble and learned Lord on the Woolsack had not specified it. He was anxious, however, that it should not be such as would place the measure beyond their immediate grasp, if they saw reason to revise or amend it. In conclusion, he submitted that the time he himself would require, and that the noble Lords around him would require, being very short, ought to be conceded; and he was confident that on the second reading everything would be in such a state that they might proceed through the further stages without delay. He would accordingly propose that the second reading should be deferredto Thursday.

The Duke of *Wellington* stated, that the circumstances of the case rendered it advisable for them to press forward the measure with as much celerity as was consistent with the forms of the House. He had no objection to defer the second reading till Thursday, but on this express condition—that this Bill was to be passed through all its remaining stages on that one day.

The Earl of Eldon made an observation which was not audible below the Bar.

The *Lord Chancellor*, in answer to the noble Earl (Grey,) observed that it was in the power of Parliament to bring any bill before them a second time, by moving for its repeal; at the same time he acknowledged that the object the noble Earl had in view might be best effected by an original clause, which he had no objection to introduce. He had no wish to oppose the suggestion to limit the term of the commission's duration, so that the measure might again be brought under consideration before the close of the Session.

Earl *Grey* remarked, that he was urged to press this upon the noble and learned Lord, from his strong feeling that it was a matter of much importance that it should be within their immediate power to amend or alter the Bill, if it were deemed necessary, before the close of the present Session.

The Bill was then read the first time, and read at length.

The Lord Chancellor moved the suspending of the Standing Order of the House, No. 26,175, on Thursday next.

Earl Grey moved for a committee to report upon precedents for furnishing the Royal Signature in cases requiring the Sign Manual. The Committee to sit tomorrow.

The Motion was agreed to, and the following Peers appointed to compose the Committee:—The Lord President (Earl Bathurst); The Lord Privy Seal (the Earl of Rosslyn); The Marquis of Lansdown; Earl Grey; The Duke of Wellington; The Duke of Montrose; Lord Holland; The Marquis of Camden; The Archbishop of York; The Archbishop of Canterbury; The Bishop of London; The Duke of Devonshire; Lord Tenterden; The Earl of Eldon; Lord Wharncliffe; The Duke of Richmond; Lord Sidmouth, and the Earl of Carnarvon.

CONFERENCE WITH THE COMMONS.] A Message was received from the Commons, requesting a conference with their Lordships in the Painted Chamber, on a matter of high importance to the administration of justice. Their request was granted. A committee of their Lordships was appointed to conduct the said conference. On their return from the Painted Chamber, the Lord President reported that they had received from the Commons a copy of certain Resolutions agreed to by the Commons for the removal of Sir Jonah Barrington from the office of Judge of the Admiralty in Ireland. On the motion of the Duke of Wellington, these Resolutions were ordered to be taken into consideration on Friday se'nnight.

FOUR-AND-A-HALF PER CENT DUTIES.] The Marquis of *Lansdown* said, that he rose to move for a document connected with the application of money for the public service; and though he did not anticipate any objection to his Motion, as a similar motion had been acceded to elsewhere, subsequently to the period when he gave notice of his intention to bring the subject forward in that House, he hoped that their Lordships would indulge him with their attention for a few moments, whilst he briefly stated the reasons which induced him to disapprove of the nature of the proceeding which had been adopted, and to think that if it were not noticed by Parliament, it might lead to unfortunate consequences hereafter, in cases of a similar character. For though what had recently been done, had been done without any improper views or intentions, it had set aside the unvaried usage of 170 years, by which the 4½-per-cent-duties, or the articles paid in kind for those duties, had been subjected, in common with all other merchandise imported into the country, to the duties imposed by Parliament. It appeared that of late, by cover of the royal prerogative, they had been exempted from duties, and thus formed a fund for the Crown, not applicable to any purposes recognized by Parliament. He admitted that under the common law it was one of the Royal prerogatives, that all things belonging to the Crown might be brought into the country free from all duties whatever. But never before had that prerogative been exercised as in this particular instance. The claim of exemption was founded on the circumstance of the goods being for the use of the Crown; and was never raised when the goods were merely the property of the Crown, which had always hitherto been subjected to the duties imposed by Parliament for the purpose of meeting the charges of the public service. In this case certain duties were taken off merchandise, the property of the Crown, not intended for the use of the Crown, but for sale: and he knew not on what principle such a practice could be objected to hereafter, if it were admitted in this case on the principles laid down by the Crown lawyers. Merchandise might become the property of the Crown in times of war as Droits of Admiralty; and if any Minister should advise the Crown to purchase merchandise abroad, in the hope of selling it at a profit in Great Britain, owing to the heavy imposts which other importers of it were compelled to pay, he did not know on what grounds, if the present practice were sanctioned by Parliament, such a course could be objected to. All the cinnamon in the Island of Ceylon was the property of the Crown, and though the Crown had hitherto paid duty on its importation into this country for sale, he saw no reason why, if the plan adopted with regard to sugar sent here in payment of the 4½-per-cent were allowed to pass unaltered, it should not import cinnamon duty free to create a new fund free from the control of Parliament. He hoped to see this subject meet with the grave consideration which it deserved from their Lordships. He would not enter into the history of the 4½-per-cent-duties, but would merely call the attention of their Lordships to the point connected with the remission of these duties. He did not charge the Government with any improper intentions in making that remission; but it did appear to him, that the consequences of it, in a constitutional point of view, might be most mischievous. The noble Marquis concluded by moving for a copy of the Minute of the Lords of his Majesty's Treasury, by which the Customs duty payable on Sugar brought to this country in discharge of the 4½-per-cent-duties have not been paid since the 25th of March, 1828, and the authority under which such exemption has been made.

The Duke of *Wellington* said, that he did not rise to object to this Motion, but to express his sense of the noble Marquis's candour in not imputing any thing improper to his Majesty's Government in making the remission of which he complained. He would not, as the House had other business before it, enter into a history of the 4½-per-cent-duties. It was well known that those duties were paid in kind in the West-Indies. It was therefore clear, that the articles on which those duties were so paid were the property of the Crown; and there could be no doubt that it was a constitutional principle, that the property of the Crown was not liable to pay duty on importation into the country. He did not contend that it was always prudent to put that principle in practice, but he did mean to contend that it was not imprudent to put it in practice in this case, because there were peculiar circumstances attached to it, which were not likely to be found in any other case. In the year 1825, the Act of the 6th Geo. 4th was passed, which rendered this fund of the 4½-per-cent-duties liable to the payment of certain stipends to the clergy in the West-Indies; and that Act not only required that that fund should be so applied, but also recognized its application to the salaries of certain officers in the West-Indies, and to the payment of certain pensions, saying, in express words, that after these were paid, the surplus of the fund was to be applied to defray the stipends of the clergy. Under these circumstances, he contended that these funds were taken out of the hands of the Crown, were applied under the control and superintendance of Parliament, and could never be abused for any purposes whatever. The noble Duke then read a clause from the Act to support his view of the subject. It was clear, he said, from the words of that clause, that the fund was a public fund, and that it could not be abused to any of the purposes which the noble Marquis supposed, when he mentioned spices and cinnamon. On these grounds he contended that the measure stood entirely upon its own grounds, and that it could never be used injuriously as a precedent.

The Marquis of *Lansdown* made a few observations in reply, in which he contended, that no ground had been laid by the noble Duke for overturning the practice of 170 years. If the sugars paid in lieu of these duties were, as the noble Duke stated them to be, public merchandise, then beyond all doubt, they ought to pay public duties. He was induced to hope that this Session would not close without Parliament providing a distinct regulation for the application of these funds.

Motion agreed to.

Their Lordships then proceeded to examine witnesses further on the East Retford Disfranchisement Bill.

HOUSE OF COMMONS.

Tuesday, May 25.

MINUTES.] Petitions presented. For an alteration in the Hackney Coach Act, by Mr. HOBHOUSE, from certain Inhabitants of London. For the Abolition of Slavery, by the same hon. Member, from Chichester and its vicinity:—By Mr. D. PENDARVIS, from Camborne, Cornwall. For the abolition of the East India Company's Monopoly, by Sir M. S. STEWART, from Merchants of Greenock and from Port Glasgow. Against the Use of Machinery, by Mr. O'CONNELL, from the Members of the British Association for promoting Co-operative Knowledge. For the repeal of the Irish Vestries Act, by Sir J. NEWPORT, from the Inhabitants of Glenmore:—By Sir M. SOMERVILLE, from Screen (Meath):—By Mr. JEPHSON, from Buttevant:—By Mr. O'CONNELL, from five Parishes in Clare. Against the Stamp Duties, by Mr. R. KING, from Landowners and Occupiers in the County of Cork:—By Sir J. BRYDGES, from Coleraine:—By Mr. BLAIR, from the Dean of Faculty and Members of the Society of Writers, Ayr. Against the Irish Constabulary Act, by Sir M. SOMERVILLE, from the Magistrates of Meath. In favour of Mr. Owen's Plan, by Mr. HUME, from the Members of the Co-operative Trading Association. Against the Poor (Irish and Scotch) Removal Bill, from the Rector and Churchwardens of St. Mary's, Whitechapel:—By Mr. R. COLBORNE, from the Governors of the Poor of St. George's, Hanover-square:—By Mr. BYNG, from the Overseers of Paddington, and St. George's, Middlesex. For the abolition of the Punishment of Death for Forgery, by Mr. GUEST, from Honiton. For extending Corporation Privileges to all Inhabitants of Corporate Towns, by Mr. O'CONNELL, from Cork. Against the Sale of Beer Bill, by Sir R. VYVYAN, from Stratton, Cornwall. Against allowing Tobacco to be Grown in the Kingdom, by Mr. LIDDELL, from the Tobacco Manufacturers of Alnwick. Against the increased Duty on Spirits, by Mr. TALBOT, from the Distillers of the County of Perth; and from the Agricultural Society of Perth.

PROFANATION OF THE SABBATH.] Mr. Hobhouse presented a Petition, signed by 7,000 or 8,000 Journeyman Bakers employed in London, Southwark, Westminster, and in different other places within ten miles of the Metropolis, praying that the House would adopt some measure to prevent the necessity of their pursuing their worldly avocations on the Lord's Day.

Sir *T. Baring* observed, that this Petition, coming as it did from a large body of Christians, who felt themselves called on to pray for relief from a Christian legislature, deserved serious attention. The custom of breaking and profaning the Sabbath was a greatly-increasing evil, and when individuals came to the House and called on the Legislature to enable them to keep that day holy, he thought that their Petition should be complied with. While he was touching on this subject, he could not avoid adverting to the admonitory letter which had recently been sent forth by a right rev. Prelate, (the Bishop of London) and which, did that right rev. personage infinite credit. Whatever odium might be attempted to be cast on that right rev. Prelate, or whatever taunts might be levelled at him by certain individuals, on account of his having written that letter, still he was of opinion that the thanks of every real friend to religion in the community was due to the right rev. Prelate for his exertions on this occasion. He remembered some years ago that a similar petition was presented from another class of persons—he meant the fishmongers—who complained that they were also obliged to work on the Sabbath. That petition, he was sorry to say, was treated with ridicule; but he trusted that the Petition now presented would be received in a different manner.

Mr. Alderman *Thompson* supported the prayer of the petition; and hoped that the hon. member for Westminster would move for a committee to inquire into the subject.

Mr. *Hume* said, he entertained a different opinion. No inquiry nor consideration was necessary, nor could the House afford any remedy to the alleged evil. To legislate on it would be most useless, and he hoped the House would be better employed than in making the attempt. The master bakers had the remedy in their own hands. They might, if they pleased, shut up their shops on Sunday.

Mr. Alderman *Wood* presented a similar petition from seven or eight hundred Master-bakers of London and the parts adjacent, praying for the repeal of the existing law, by which they were compelled to bake dinners within certain hours on a Sunday, and were thus prevented from attending divine service.

Sir *T. Baring*, in like manner, gave his support to this petition, and observed, that if we excluded Jews (he did not mean to say we were wise in so doing) because they did not, like ourselves, bear the name of Christians, we ought to show by our conduct that we had more than an empty title to that name.

Mr. *Slaney* wished to ask the hon. Members who were pressing these petitions on the House, whether the measure they proposed, of absolutely preventing Bakers from baking dinners on a Sunday, would not be more injurious to those who were, by the present custom, enabled to send their humble provisions to be baked on Sundays, than it could be beneficial to the Bakers? Not only would these poor people be put to much inconvenience, but they would, by being obliged to stay at home to cook their own dinners, be prevented from going to church, as they were now accustomed to do. So that, even the measure now proposed was meant in favour of religion, it was one of the most short-sighted measures that could have been imagined. It reminded him of an attempt, made in a similar spirit, to prevent the barbers from shaving on a Sunday morning, by which, if successful, the advantage of hundreds would have been sacrificed for the ease of one.

Petitions laid on the Table.

SIR JONAH BARRINGTON.] Lord F. L. Gower, brought up the report of the committee appointed to draw up an Address to his Majesty for the removal of Sir Jonah Barrington from the office of Judge of the High Court of Admiralty in Ireland.

The Address was read as follows:—

Most Gracious Sovereign:—We your Majesty's most dutiful and loyal subjects, the Commons, in Parliament assembled, beg leave humbly to represent to your Majesty, that the office of Judge of the High Court of Admiralty in Ireland is an office of dignity and importance, on the impartial and incorrupt execution of which the honour of the Crown, and the protection of the rights and interests of many, both of your Majesty's subjects, and of foreigners engaged in maritime pursuits greatly depend. That by Letters Patent under the Great Seal of Ireland, bearing date the 23rd of May 1797, Doctor Barrington, now Sir Jonah Barrington, was appointed to the said office of Judge of the High Court of Admiralty in Ireland. That it appears to your faithful subjects that Sir Jonah Barrington, as Judge of the High Court of Admiralty in Ireland, did in the years 1805 and 1816, under colour of his official authority, apply to his own use two sums, amounting to 500*l.* 9*s.* 2*d.* out of the proceeds of the derelict ship "Nancy," then lodged in the hands of the Registrar of that Court; and that he did, in the year 1810, in a similar manner, apply to his own use the sum of 200*l.* out of the proceeds of the "Redstrand," derelict. That it appears to your faithful subjects, that Sir Jonah Barrington has been thereby guilty of serious malversation in the discharge of his office of Judge of the High Court of Admiralty, and that it is unfit, and would be of bad example, that he should continue to hold the said office. We therefore humbly pray your Majesty, that your Majesty will be pleased to remove Sir Jonah Barrington from the office which he holds, of Judge of the High Court of Admiralty in Ireland.

On the question "That this Address be read the second time,"

Mr. *D. W. Harvey* addressed the House in behalf of Sir Jonah Barrington, whose case he described as one of very considerable hardship and severity. The hon. Member read several letters from Mr. Lamb (now Lord Melbourne) to Sir Jonah Barrington to shew that Mr. Lamb, when Secretary of Ireland, knew of the testimony which could be adduced against Sir Jonah. The first letter, he said, he would read was as follows, and was dated

"*Whitehall, March* 12*th*, 1828.

"Sir,—I beg leave to acknowledge your letters of the 2nd and 7th, with the enclosures contained in the latter; and, having read and attentively considered the whole of these documents, I still remain of opinion, that no explanation could be given which would prevent the House of Commons from instituting an inquiry into the causes of the absence of a Judge, for many years, from the country in which his judicial duties are to be performed."

That shewed that Mr. Lamb was perfectly cognizant of Sir Jonah Barrington's situation. The letter proceeded—

"It appears to me, that independent of the general principle which must govern all such cases, there arises upon the face of all the public documents connected with the Admiralty Court of Ireland a strong presumption, that the Legislature contemplated the personal discharge of the duties of the office by the Judge, although the instrument of his appointment has provided for the case of his occasional and necessary absence, by giving the power of nominating a deputy in such contingencies. Actuated by the same feeling which dictated my first communication, I will explicitly state the course which the Government feels itself called upon to pursue. The remedy for the alleged grievance, arising from the continued absence of the Judge, cannot be had, according to law, without the intervention of both Houses of Parliament. The complaint having been made to the House of Commons, the Government cannot interpose its authority or influence for the purpose of resisting a full inquiry into all the circumstances of the case. Such an inquiry, as far as it relates personally to yourself, and not to the practice and proceedings of the Court into which it may possibly be necessary to institute an investigation, might probably be rendered unnecessary by your resignation of your office; and it is my impression that if I were enabled to pronounce your voluntary retirement, no further proceedings would be adopted, at least no further proceedings with reference to inquiry into the past."

The whole letter shewed that Mr. Lamb entertained some opinion of Sir Jonah's irregularities, but the reply of Sir Jonah was not that of a man conscious of guilt. He offered to retire from the office, the duties of which he was not filling, provided Mr. Lamb would state, as the organ of the Irish government, that he did not retire from fear of the investigation. Sir Jonah applied even for a larger pension than usual, and to that application Mr. Lamb made the following answer on March 25th.

"I am desirous of explaining myself at once, in such a manner as to leave no possible room either for present or future misapprehension. In case of your retirement from your office, I can have no objection to submit to his Majesty's Ministers any memorial which you may think proper to present; but I must be distinctly understood as not, by becoming the instrument of such communication, giving the slightest countenance or encouragement to any claim whatever, nor can I hold out the least hope or expectation that any allowance will be granted in addition to that pension which is assigned to the Judge of the Court of Admiralty upon his retirement, by 40 Geo. 3rd c. 69, s. 2."

Was that the letter, he would ask, which ought to have been written to Sir Jonah if he were the guilty man he has been described to be. It might be said, perhaps, that Mr. Lamb was then not acquainted with all the facts of the case; but he would read a letter, dated Whitehall, May 6th 1828, after Mr. Lamb certainly was acquainted with all the evidence which could be produced against Sir Jonah.

"Sir,—I beg leave to acknowledge your letters of the 25th ult. and 3rd instant; and in compliance with your request, I have directed the returns made from the Court of Admiralty in Ireland to be forwarded to you, according to your directions, at the British Consul's at Calais. I can assure you that when, in consequence of your repeated communications to me to that effect, I announced to the House of Commons your intention of resigning your situation, I distinctly stated that such intention had proceeded entirely from yourself, and that it had been formed by you upon the most honourable motives, and in compliance solely with a sense of public duty."

Here it was distinctly stated, that Mr. Lamb had described Sir Jonah, publicly described him, in the House of Commons, as retiring from the most honourable motives. All these letters, the hon. Member contended, clearly proved that Mr. Lamb had negociated with Sir Jonah Barrington for the retirement of the latter on the usual pension; Mr. Lamb implying always that on this condition all proceedings against Sir Jonah should be dropped. Mr. Lamb must at that time have been aware of Mr. Pineau's evidence; and he could not therefore help considering the present proceedings as putting Sir Jonah on his trial a second time. With respect to Sir Jonah having been so long absent from the country, the learned Judge said, he had a right to absent himself, if he pleased, because his patent allowed him to appoint a deputy. This view he could support by authority of a learned Gentleman opposite (Mr. Doherty), now Solicitor General for Ireland. The hon. Member then read the following letter from Mr. Doherty to Sir Jonah Barrington, which he characterised as doing great honour to the learned Gentleman.

"My Dear Sir Jonah:—By a letter which I have just received from John Carroll, I find that he has had the pleasure of seeing you and Lady Barrington, and I can with truth assure you it has made me happy to hear you are both well. I recollect with gratitude the kindness I at all times experienced from you here, and the hospitality with which you were so good as to receive me in France. Carroll mentions that he had some conversation with you on the subject of your office in this country, but I am not able to collect from his letter precisely what passed; it is therefore that I am induced to trouble you, to request that you will have the kindness to write to me, and freely, confidentially, and without reserve, let me know your views and wishes on that subject. You are of course aware how your court is now situated from the death of Jameson and the illness of Mahaffy. As to your resigning the office, I take it for granted that that is out of the question, the retiring pension (400*l.* per annum) bearing so small a proportion to the full salary, and so far as I am concerned, it would, I feel, be impossible for me, directly or indirectly, to hold out any inducement to you further than this, that if, under circumstances, there should be any difficulty in obtaining the retirement, I think it probable that there is not any person who could more readily obviate that. Carroll mentions something of your wish to obtain a consulship, but he does not say where, and I much fear that that situation could not be easily obtained. Now, with respect to becoming your deputy, I should willingly do so, provided you felt inclined to allow a remuneration sufficient to counterbalance the loss sustained by ceasing to practise in the court (which would be to me as great as it could be to any practitioner) and also a remuneration for undertaking the labours of the office. I am aware that heretofore you have procured a deputy on moderate terms, and it is not impossible that you may do so again; but I fairly apprize you, that, circumstanced as I am, I could not diligently devote my time to the efficient discharge of those important duties without an adequate remuneration; and I believe I may feel warranted in saying that I should be likely to afford satisfaction to the practitioners, and to the Government."

Although the learned Gentleman who wrote the letter was not at the time Solicitor General, yet his appointment to that office could not, he presumed, have altered the learned Gentleman's view of Sir Jonah's right to appoint a deputy. Under these circumstances, Mr. Lamb having known of Sir Jonah Barrington's conduct, and having consented to his retiring, and it being clear that he might appoint a deputy, he thought they ought not to agree to an address which must fix an indelible stain and disgrace upon the innocent descendants of this infirm, decrepit, and dying man. He did not deny that doing so was consistent with stern justice, but Sir Jonah Barrington's age gave him a claim on the consideration of the House, and if it agreed to the address it would most assuredly be thought to act with harshness and severity towards an infirm old man.

Lord *F. L. Gower* could not see very clearly what he had to do with the conduct of his predecessor in office, even if the hon. member for Colchester had made out any case against that predecessor. But the hon. Member had made out no case against Lord Melbourne. Instead of it being true that Lord Melbourne had been conversant with the evidence of Mr. Pineau, the fact was directly the reverse. Part of Mr. Pineau's evidence had, indeed, been taken in March 1828: but that was a very unimportant part, relating merely to fees and to the practice of the court. It was not until the month of May that that part of Mr. Pineau's evidence was taken by which Sir Jonah Barrington's dealings with the money of the suitors was established, and the most important parts of Mr. Pineau's evidence were not taken until Lord Melbourne had left office. He would not waste the time of the House with going through the whole of the hon. Member's statement. He thought the House would, after this, see the utter fallacy of that statement. As to the argument respecting Sir Jonah Barrington's patent, it might be a very good one, if he (Lord F. L. Gower) had made the absence of Sir Jonah from the country any part of the ground on which he preferred these charges against that judge. But he had not. He thought the letter of his learned friend,—a private and confidential letter, be it remembered,—which had been produced, contained nothing which was not creditable to his learned friend, who at the time he wrote it was not in office. He was totally at a loss to discover, in the speech of the hon. member for Colchester, any single reason for taking up any more of the time of the House in discussing this question.

Sir *J. Newport* could not understand why a private and confidential letter, written from one friend to another, should have been dragged forward on this occasion. He wished to state, that inquiry originated in consequence of representations made by the mercantile interest of Cork, as to the mode of conducting business in the Admiralty Court. Certainly, in the investigation which ensued, it had been established that Sir Jonah Barrington had made an improper use of the suitors' money, and after that fact it was impossible for the Government to proceed otherwise than it had done.

Mr. *O'Connell* thought, nothing could be more unjust than to attribute any thing improper to the noble Lord, who had conducted this business. This was not—how could it be, or how could any one say it was—a party question, or that party feelings were in any way mixed up in it? All that could be said upon it, and it did not lie in Sir Jonah Barrington's mouth to say it, was, that the proceedings had been carried on too slowly and with too much lenity. Allow him, as a member of the Irish bar, to protest against the production of that confidential letter which had been read by the hon. member for Colchester. He agreed that the contents of that letter were creditable to the hon. and learned Gentleman who wrote it; but why had it been produced? Did it prove any thing with regard to this case? No, it did not. He had read the reports of the commissioners and the select committee. If he had found any thing in them creditable to Sir Jonah Barrington, he should have been glad to have brought it forward, but he had found nothing. He heartily pitied, but he could not vindicate him.

Mr. *D. W. Harvey*, in explanation, said, that if he admitted to the noble Lord that Mr. Lamb had not been aware of Mr. Pineau's evidence, then the ground on which Mr. Lamb urged Sir Jonah Barrington to resign must have been the absence of the latter, which was now admitted to be no ground at all. With respect to the letter of the hon. and learned Gentleman opposite, he had told both that hon. Gentleman and the hon. member for Clare, that he had the letter and meant to read it; neither of them objected, and he thought, therefore, that the hon. member for Clare had gone somewhat out of his way to protest, after it was too late, against the production of such a document. He had only produced the letter for the purpose of showing that Sir Jonah Barrington was not singular in thinking that he had a right to appoint a deputy, and he had no intention of hurting the feelings of any one by the production of it.

Mr. *Doherty* could assure the hon. Member that he did not object to the production of that letter. When Gentlemen considered the distressing situation of the individual in whose possession the letter was, how could any one object to the production of it, if that individual fancied it could do him any good? When he first joined the profession, Sir Jonah Barrington was at the head of his circuit. Sir Jonah had always treated him with a degree of kindness and friendship which he could not forget—which made him rejoice that he was not called upon to take any very active part in these distressing, but, he must add, just and necessary proceedings.

On the question that the Address be agreed to,

Mr. *D. W. Harvey* said, he had a Petition to present from Sir Jonah Barrington. It expressed the petitioner's regret that his counsel at the Bar should have confined himself in his speech to constitutional grounds; and prayed that he might be allowed to offer evidence at the bar. The Speaker decided that the petition could not be received till the question before the House was disposed of.

Address agreed to; Lord F. L. Gower to carry the same to the Lords, and to desire their concurrence therein at a conference.

Mr. *D. W. Harvey* said, he had a question to put to the right hon. Gentleman (Sir R. Peel) opposite. An address for the removal of Sir Jonah Barrington had been agreed to, and a noble Lord was now on his way to the other House to request the concurrence of their Lordships to it. Suppose both Houses sanctioned the address, then the Crown would have, on deliberation, to determine whether the request contained in the address should be granted. The question, therefore, which he had to ask, and he asked it merely for information, arose out of the very delicate matter which had last night been communicated to the House. Would his Majesty exercise the royal consideration with respect to this address; or was it intended that the persons who were to be appointed in consequence of the message of last night, should exercise the royal deliberation as well as the performance of the mechanical office of signing public documents?

Sir *R. Peel* said, that the hon. Member appeared to him to mistake altogether the object of the message of last night. His Majesty was perfectly capable of exercising discretion and deliberation, and the message of last night merely stated that bodily indisposition made it inconvenient and painful for his Majesty to sign with his own hand those public instruments which required his sign manual. No Minister would presume to attach his Majesty's signature to any document upon which the pleasure of the Crown had not been taken; much less to an instrument for the removal of a Judge. His Majesty's pleasure would be taken upon this, as it was taken upon every other case; for he had the satisfaction of assuring the House, that his Majesty was at that moment as competent to exercise his mental faculties as he had ever been at any other period of his life.

Mr. D. W. Harvey presented the Petition from Sir Jonah Barrington; read and to be printed.

Lord *F. L. Gower* reported, in answer

to the message to the Lords, desiring a conference with their Lordships respecting the address agreed to by the House for the removal of Sir Jonah Barrington from his office as Judge of the Admiralty Court in Ireland, that their Lordships had agreed to the conference, and were then ready to meet the Commons.

A committee was appointed to manage the conference: and to consist of the Members appointed to draw up the address for the removal of Sir Jonah Barrington, with other Members.

After a lapse of twenty minutes,

Lord F. L. Gower reported, that the committee had had a conference with their Lordships; and had delivered the Address agreed to by the House, which their Lordships promised to take into consideration.

DUTY ON LEAD.] Sir *J. Graham* presented a Petition from the Lead Miners and others engaged in the manufacture of Lead, in the parishes of Alston and Allendale, Northumberland, complaining of the distress they suffered from the competition of foreign manufacturers of Lead, and praying for a higher protecting duty. The hon. Baronet entered into some details, showing the changes which had taken place in the duties on copper, tin, and lead, since 1825, when a new scale of protecting duty was arranged respecting them, different from the *ad valorem* duty before in use. The protecting duty on copper and tin was raised greatly beyond that on Lead. Since then, copper and tin had fallen in price about 15 per cent, while Lead had fallen nearly 50 per cent, having been reduced from 24*l.* per ton in 1824, to 12*l.* 10*s.*, its present price. This reduction had been the result of the competition of the Lead produced in the Spanish mines, of which about 28,000 tons were produced annually. This was sold at 9*l.* per ton, which, with the freight and duty, made it 12*l.* 10*s.*, to which price the British manufacturers were obliged to reduce their Lead, in order to prevent the loss of the home consumption. The petitioners prayed that the protecting duties might be raised 2*l.* per ton. This sum would make an increase of about 90,000*l.* a-year on the consumers of Lead in the United Kingdom, as the annual consumption was about 45,000 tons. The hon. Baronet contended, that by acceding to the prayer of this Petition, a stimulus would be given to a trade by which 80,000 persons were supported, who, if driven from this trade by foreign competition, could not, from their previous habits, be brought to work at other businesses, and must therefore become a burthen upon the country. The hon. Baronet added, that the petitioners were entitled to a protection something equal to that given to agriculturists by the Corn-laws, which would amount to from 20 to 30 per cent against the foreign grower; and, in conclusion, that it would be a much more cheap way of providing for the 80,000 persons engaged in this trade to grant this additional protecting duty, than to have to send them as settlers to Swan River, or others of our new colonies.

Mr. *Liddel* supported the prayer of the petition, and contended, that if these persons were put out of employment, they would be thrown back on the market for labour, and thus increase the difficulties of the working classes.

Mr. *Herries* said, it was not his intention to follow the hon. Baronet into all the topics he had introduced, and this was the less necessary, as the question to which the petition referred was now under the consideration of the Government. The greatest attention must be paid to it before any decision was come to. He hoped, however, in the course of a week to have a better opportunity of addressing the House on the subject, and therefore he would forbear saying anything further at present.

Mr. *Warburton* hoped that nothing would be done to give advantages to Lead miners, beyond the regular course of trade; and protested against taxing the rest of the community to the amount of 90,000*l.* for the benefit of the owners of Lead-mines.

Mr. *Huskisson* said, that the Lead-mines of this country not only supplied the home consumption, but sent some thousands of tons abroad; of course the price abroad must be settled by foreign competition, but as long as the miner supplied the home consumption, it was all that he could claim or pretend to; and, indeed, unless they could shut up the Spanish mines altogether, the price in foreign countries must be regulated by competition.

Lord *Milton* said, that the root of all the mischief was in the high protecting duty on corn, which in one way or another amounted to from forty to fifty per cent;

and it was obvious, that whatever raised the cost price of labour must materially injure the manufactures of the country.

Lord *W. Powlett* complained that the Lead ore had never been sufficiently protected like other ores, and that, in consequence of this want of protection, the export trade had dwindled down to 5,000 tons annually.

Mr. *A. Baring* said, he did not see that the petitioners suffered any peculiar hardship, although he regretted their distress. They had a monopoly of the home market, and were able to send some thousand tons abroad; and if the price had fallen, the protection had risen with the fall. Lead, too, was not a mineral on which he was disposed to allow much protection, because it did not enter into many of the articles of exportation to other countries.

Mr. *Hume* said, that in the last six years the country had exported 59,000 tons, being an average of 10,000 tons a year. His hon. friend said, the quantity produced was 45,000 tons a-year; and, therefore, he could see that nearly one-fifth was sent out of the country. The price of that quantity was, of course, regulated by the price in the foreign market; and the price at which it could there be sold, as we had more than we required, regulated the price at home; no relief, therefore, could be obtained by a protecting duty, and the only way in which the Lead owners could hope for relief was, by persuading the Government to lower the price of labour, and so put the English in the same state as the Spanish labourer.

Mr. *P. Thomson* entreated the Chancellor of the Exchequer to pause before he yielded to the representations of the petitioners on this subject; because, by increasing the duty from 10*s.* to 25*s.* per ton we had prevented foreign ore being imported into this country, and had lost all the profits arising from the smelting and working up. In 1828 the quantity imported for this purpose was 4,620 tons; since the duty had been altered it had fallen to 1,100 tons. He hoped, therefore, that the duty would be reduced rather than increased, so that the country might have the benefit of charging other countries for the profit of its own labour.

Petition to be printed.

DRAMATIC CENSORSHIP.] Mr. *Lennard* rose to move for leave to bring in a Bill to repeal the Third and Fourth Clauses of the 10th of Geo. 2nd, c. 28, which empowered the Lord Chamberlain to prohibit the acting of any New Play or Entertainment on the Stage. The hon. Member said, that the Bill, of which he wished to repeal some of the Clauses was passed in Sir Robert Walpole's administration, and was then opposed by the Earl of Chesterfield, in a speech that was a model of eloquence, and an ornament of our language. The Act was also severely satirized by Dr. Johnson, and he believed it had at all times been condemned. The part of it to which he chiefly objected was that which gave power to the Lord Chamberlain to license Plays and Dramatic Writings. He did not think it necessary, in bringing the subject under the notice of the House, to go into the origin of the Lord Chamberlain's jurisdiction; it was sufficient for his purpose to acknowledge that this officer had exercised such an authority long before the Act was passed. It was exercised without any rule, very arbitrarily, and very often with great caprice. He admitted that it was readily submitted to by the actors; but, considering what was their original condition, that was not to be wondered at. They were persons put out of the pale of the Constitution, and submitted without opposition to the Chamberlain, whose wand waved over them *pleno jure*. The present law had a great vice in its constitution. It was passed at a period of great political excitement, and was intended only to remedy a temporary evil. But like other laws passed under similar circumstances, it became a general restriction, and having once got into the Statute-book, there was a great difficulty in getting rid of it. He might, perhaps, be allowed to compare it in this respect to the Six Acts, which were passed in a state of temporary ferment; and as the Attorney General had announced his intention to bring in a bill to repeal one of them, he thought he might with great propriety follow so good an example. The Act conferred, too, he might observe, a most unconstitutional power on the Lord Chamberlain, quite as bad as that conferred by the Six Acts. He should be able to show by example, both in former and in modern times, that this power had been exercised also in a most unconstitutional manner. He would beg leave to allude to the circumstances under which the Act was passed. Sir Robert Walpole, during the latter part of his administration, was exposed to many severe attacks, and in particular he was attacked by pieces produced in the theatre. Just at that time a play called the *Golden Rump* was sent in manuscript to Sir R. Walpole, by the manager of one of the theatres, in which he was most severely handled. He was much irritated; he called it sedition; and, rising in his place in the House of Commons, he read some of the strongest passages; the Members were all excited; the bill was immediately brought in, and it was passed, almost by acclamation. This was the origin of the Act. This bill was passed through the House of Commons, though it established a power unknown to the Constitution—a power greater than was possessed by the King—a power that was an infringement on the liberty of the subject and on the liberty of the press, imposing shackles on our literature, and giving a monopoly of theatrical property to an officer of the Crown: this bill, that was equally condemned by general principles, and by its practical results—was passed through the House of Commons without as much discussion as was usually given to a Turnpike Act. By this law not only no new play could be performed without a license, a song could not be sung on the stage, nor a new passage, no, not even a word, could be introduced into a play, without the permission of the Lord Chamberlain, or the Lord Chamberlain's Deputy. For granting this license the Lord Chamberlain's Deputy exacted a fee of two guineas; while the power to exact this fee made the Deputy very vigilant, so that nothing whatever, neither a play, nor a song, nor an addition to a play, could be sung or acted, without the payment. The Deputy Licenser had even extended his power to prevent a lecture on Astronomy being delivered in a theatre without a license, or rather without paying him his fee. The hon. Member quoted the permission which had been given by the Deputy Licenser to deliver such a Lecture marked at bottom with the words, "paid two guineas," to confirm his statement. The practice of exacting a fee was perhaps not authorized by the law; but the managers of the theatres submitted to it, and the reason was this.—In consequence of the extensive powers of the Lord Chamberlain, it was impossible for the managers to escape his censure—they were continually liable to forfeit their patent privileges, and this made them submit to the Lord Chamberlain's Deputy's exactions. As a specimen of the power of the Deputy, he would mention, that a few years ago a Clown was prevented from adding the words "roast beef." The most innocent or trifling additions by a Grimaldi might subject the manager to forfeit his privileges. It became necessary, therefore, for all performers strictly to follow the directions of *Hamlet*—"Let not your Clowns speak more than is set down for them." The slightest neglect or omission on their part might subject them to censure; and he believed, that there was not one of the Patentees of the great theatres who was not liable to forfeit his license fifty times in the course of a season. Under such circumstances they would naturally submit to pay any fee; and if the Lord Chamberlain's Deputy were to appoint a Deputy's Deputy, he might also exact a fee. He was aware that the master of the Revels formerly did exact a fee, but the Act under which the Lord Chamberlain exercised his power gave him no authority to exact any fee whatever. By selecting him, the Act placed the power in the hands of a person of distinction, who was to be responsible for its proper exercise, and who was never expected to make use of it as a means of levying a tax on the managers of theatres. He, however, thinking it too much trouble to read the blotted manuscripts intended for the stage, deputed his power to an inferior officer, who exacted the fee without any authority whatever. The fee Mr. Colman exacted, however, he was bound to say, was not greater than was exacted by his predecessors. What he contended for in principle was, that the ordinary laws of the realm were sufficient to repress the licentiousness of the stage without the power of licensing stage-performances. If any thing blasphemous, seditious, or libellous, were produced on the stage, it might be punished as a libel. The Act, which he wished to modify only, imposed fetters on the stage without producing any good effect. But it was said that a printed libel had not the same effect as a scenic representation; that the mind was more readily affected through the medium of the eye than through that of the ear, and transmitted a more powerful and lasting impression.

"Segnius irritant animos demissa per aurem,
Quam quæ sunt oculis subjecta fidelibus."

But supposing this true—supposing that the theatre might be made the means of promoting party politics and personal attacks—he must still contend that the Common Law would be sufficient to repress this licentiousness. In order to meet this objection, however, he should be ready, if he obtained leave to bring in the Bill, to agree to vest that power in Commissioners or Magistrates which was now exercised by the Lord Chamberlain. If such a power were deposited any where, it ought not to be in an officer of the Household, but in some responsible person, who should not delegate his authority to others, to be used as a means of levying fees. He would illustrate the effects of this authority by example, and in order not to wound the feelings of any person, he would go back a little from our own time. A play, for example, of Mr. Gay's—"*Polly*" was prohibited, as was well known, not on account of any immorality it contained, but on account of its political tendency. Another case was Thomson's play of "*Sophonisba*"—a play in which there was nothing objectionable; for of that poet it had been justly said, that he never wrote "one line which dying he would wish to blot;" yet that play was objected to, and a license refused, because some of the sentiments, in his poem of "Liberty," had given offence to the Minister of that day. A farce of Foote's, also, was suppressed, because it contained some satirical allusions to that moral lady, the Duchess of Kingston, who was in favour with the then Lord Chamberlain. He would then quote some modern examples of the same interference. Mr. Colman, the present Licenser, on one occasion took under his protection the character of that profession to which the gallant Members of the House belonged. A character called "Rakeall," who was represented as an army officer, somewhat of a swindler, and a good deal of a coward, was ordered to be suppressed, because it reflected on a high class of society, and was derogatory to the character of officers. He was sure the right hon. and gallant Secretary did not need any such protection for his profession from Mr. Colman. He had several specimens before him of Mr. Colman's pruning, who seemed, for example, not to like that lovers should speak of their mistresses as angels. Passages of that kind he considered to be very indecorous, and directed them to be struck out. The hon. Member read a passage, which contained the words "My angels divine," and the Licenser wrote "Blot out the angels." This was an excess of nicety in the author of "Broad Grins." Angelic and heavenly were words to which the Licenser seemed to have a great antipathy, and he warned certain managers that he should strike them out whenever he met them. In another instance Mr.Colman objected to the word "thighs" being used three times, and directed that it should be cut out. He objected to a servant describing her mistress's dressing case as united in matrimony with her master's arm-chair. The hon. Member quoted other specimens of the Licenser's fastidious pruning, and said that he had taken Royalty under his peculiar care, and wishing not to frighten heirs apparent, he ordered the following correction;—A play was presented to him, in which were the words "all the fatigues, cares, and tediousness of Royalty," and the Licenser's directions were "strike out the words 'and tediousness.'" The only effective opposition which he expected was from those who thought that if the Motion were carried, it would produce an injurious effect on the Minor Theatres; by exposing them to prosecutions from the patentees of the regular Theatres. But that was a consequence which he did not apprehend. The hon. Gentleman concluded, by moving "for leave to bring in a Bill to repeal the third and fourth clauses of Act 10 Geo. 2nd., c. 28, which empowers the Lord Chamberlain to prohibit the acting of any new play or entertainment on the stage."

Mr. *George Lamb* observed, that as he had been connected for a considerable period with one of the great theatres, he wished to say a few words on the present occasion, although he was extremely reluctant to do that when the press of business was so urgent. The hon. Member was misinformed when he stated that compromises took place between the patentees of the large, and the owners of the minor theatres. No such thing occurred, and each of them stood upon his own rights. He could also assure him that the Patent Theatres had no wish respecting his Motion one way or the other. He was sorry not to see in his place, the Paymaster of the Forces, for he would be able to corroborate that statement. The Act of 10th Geo. 2nd, commonly and properly called the Playhouse Act, was opposed at the time only by the celebrated Lord Chesterfield, who had found a successor in the hon. member for Maldon. The speech of that noble Lord was certainly an able one; but if he remembered correctly, it dealt more in exaggeration than most speeches delivered in the other House. Nothing less was prognosticated by him from passing the bill, than the downfall of the stage, a prediction which certainly had not been verified. The hon. member for Maldon had fallen into one error. He stated, that a Clown was prosecuted for calling out "Roast Beef;" but the fact was, that the prosecution was instituted under a later Act than the one under discussion, for playing in a theatre unlicensed, except for singing and dancing, which the Royalty, where this took place, was. His hon. friend did not seem to be aware that if he repealed the 10th Geo. 2nd, he would not effect his object, for there were other Acts which regulated theatres. He would not go at any length into precedents, to show that plays had long been licensed, and that fees were paid before the license was passed; but perhaps a few statements on the point might not be considered uncalled-for, Cibber tells us, that when George 1st granted a patent to judge of plays to Sir Richard Steele, the Master of the Revels still claimed his customary fee of 2*l.* and as the fee was only 2*l.* 2*s.* at present, even the hon. member for Aberdeen must admit, taking the change in the value of money into consideration, that the increase had not been too great. Cibber gave several instances of the payment of these fees, although he at first resisted them on the ground of his patent. His authority was strong in favour of the right to exact fees. The Playhouse Act certainly mentioned no payments of that kind, and their defence must therefore rest upon custom previous to the passing of the Act. All which that law required was, that a dramatic work should be laid before the Lord Chamberlain fourteen days previous to its intended performance, and it imposed no other penalty than one for performing the piece before it had been sent, or for afterwards keeping in anything that the licenser had prohibited as immoral or improper. How the fee came to be transferred from the Master of the Revels to the Licenser he was not aware, but the former office was only abolished by Mr. Burke's bill. The censorship of the stage, however, had always existed, from the earliest times. Lord Chesterfield prognosticated that if the stage were put under the control of the Lord Chamberlain it would be used for party purposes. That certainly might have been fairly anticipated at the time, and that it had not happened might perhaps be attributed, in some degree, to his Lordship's speech. Since the passing of that Act, the stage had never been used by any party; but previous to that period, at the time of Dryden, it was perpetually used as the instrument of both parties. "The Duke of Guise," "Amboyna," and Shadwell's "Lancashire Witches," were all party plays. As far therefore as experience went, the Act might be said, in this respect, to have had a beneficial effect. It was asked, why restrain the stage any more than the press? It should be remembered, that what was written one day in a pamphlet or newspaper, might be answered in another on the next day, and that writing was addressed to those who, from being able to read, might be supposed to exercise some degree of reason upon what was brought before them; but a play was addressed immediately to the passions of the multitude, and in a time of popular excitement, might so work upon their feelings, as to inflame them to commit acts immediately endangering the public peace. With respect to the Motion he would only say, that if it were the pleasure of the House to give leave to bring in the Bill prayed for, he should not object to it; but Parliament would do well to pause before it consented to rescind an Act which had been in force many years without inflicting any injury on the liberty of the subject, while it had certainly been of much benefit to morality.

Sir *Robert Peel* concurred in the observations which had fallen from the hon. Gentleman who had just spoken. Looking at the state of the stage before and after the passing of the Act, there was nothing to induce the House to remove the censorship. He confessed he had not the confidence which the hon. Mover had in the good taste of the public; and was by no means satisfied that, but for the Censorship, immoral and blasphemous dramas would not be received with applause; neither did he believe that the common law would be found sufficient to repress the licentiousness of the stage. He was the more induced to entertain these opinions from the manner in which the horrid murder committed by Thurtell, with all its dreadful details, was represented on a minor stage, almost immediately after its occurrence. The hon. member for Maldon had alluded to Lord Chesterfield's speech. There was one part of that speech to which he begged the particular attention of the hon. Member, namely, that part of it in which Lord Chesterfield had objected to bringing in the bill at so late a period of the Session. Lord Chesterfield had predicted that the passing of the Act in question would, in its consequences, be injurious to the liberty of the Press. The result, however, had shown that the noble Lord was entirely mistaken on that point. The Deputy Licenser, Mr. Colman, had been charged by the hon. Gentleman with fastidiousness; but was the hon. Gentleman prepared to say that the dramatic taste of the people of England was so pure that it might be left without control? And what was the substitute for that authority recommended by the hon. Gentleman? A committee of Magistrates—of Police—or at best, county Magistrates! For all these reasons, but especially because he objected to bringing in such a bill as the present at so late a period of the Session as the 25th of May, he must oppose the hon. Gentleman's Motion.

Mr. *O'Connell* could not understand why the stage was not to be supposed to have become sufficiently purified to be left without Censorship. In all other branches of literature a purification of taste had taken place. Of this the celebrated novel of *Tom Jones* was a proof. No such work would be tolerated in the present day.

Sir Robert Peel having intimated that he would not object to the hon. Member for Maldon's bringing in a bill at as early a period in the next Session as he might think proper,—the Motion was negatived without a division.

Canada.] Mr. *Labouchere*, in rising pursuant to the notice he had given, to propose to the consideration of the House a subject of a most important nature, felt bound to apologise for his own inability to do it justice. He trusted, however, that the cause of the inhabitants of Upper and Lower Canada would not suffer for the weakness of their advocate. He was about to submit to the House certain Resolutions on the state of the Judicature and Legislative Councils of that province. It was a singular fact, that while all other interests had their parties and supporters in that House, Canada alone was without such aid. As far as he was able he should endeavour to supply that deficiency, and he now begged leave, in the first instance, to call the attention of the House to the state of the Civil Government of Canada. In doing so, he felt bound to offer his humble tribute of applause to the excellent character and conduct of Sir James Kemp, who certainly had done all that he could as an individual, to render the administration of the government as little objectionable as possible. But the evil was in the form of the government itself. The first point to which he wished to call the attention of the House, was the composition of the Legislative Assembly, and the part it had taken in the affairs of the Province of Canada, which had occupied much of the attention of the Canada Committee. It appeared that the same subject had engaged attention at a much earlier period. In the discussions on the bill of 1791, which gave to Canada the Constitution it now possessed, the composition of the Legislative Council had become a matter of great debate. In those discussions Mr. Fox said, that there were no materials in Canada for an Aristocracy, and that the principle of an Elective Government must be introduced. All that had since occurred, confirmed the opinion of that great man on that important point. Mr. Pitt thought otherwise; but he and Mr. Burke, and those who supported that side of the question, agreed in declaring that the Legislative Assembly of the Province should be so constituted as to preserve its independence. He would show the House how little that opinion had been adhered to in practice. Out of the twenty-seven members who sat in the general Legislative Assembly for Lower Canada, eighteen were placemen, enjoying amongst them an income of 18,000*l.* a-year, receivable at the pleasure of the Crown, and but nine independent members. Among the placemen, seven were members of the Executive Council, and but nine of the placemen were native Canadians. The rest were men who had gone out thither to make a fortune, and who, having succeeded in that object, would feel no further interest in the colony. In the seventeen members of the General Legislative Assembly who sat for Upper Canada, twelve were placemen and only five were unofficial men. Under these circumstances, it would not be matter of surprise, that the body uniformly sided with the Executive Government; and as their acts had been frequently opposed to the feelings and interests of the people, the Legislative Assembly, that ought to represent the popular wishes, had, in fact, been opposed to the opinions of the great mass of the nation. This composition of the Legislative Assembly had been complained of at the time it was formed, and the House of Assembly in Lower Canada, which he believed really to represent the feelings and wishes of the people there, had very recently expressed the same complaints—for so late as March, 1830, on going into a Committee of Supply, they passed a unanimous Resolution, declaring that that House only consented to enter into the consideration of the said estimates in the hope that the grievances, of which complaint had so often been made, would be redressed, and that measures would be at once taken to secure the independence of the House of Assembly of the province, and to improve the state of Judicature, by divesting the judicial officers of functions totally unconnected with their judicial duties. There was a time when a great jealousy existed between the French and English inhabitants of the colony; but in consequence of the bill passed last Session, that jealousy was now at an end, and both were willing and anxious to co-operate in the most efficient manner for the common good. The second point to which he wished to call the attention of the House, and of the right hon. Secretary opposite, was the present system of the administration of justice, for he could not think, after the many improvements that right hon. Gentleman had made in the administration of justice in this country, he would consent to leave the people of Canada in as bad a situation as ever. The first point in this part of the subject, was the tenure of the commissions of the Judges. They were not the same as in this country, nor as in Jamaica, nor as in many other of our possessions, commissions during good behaviour, but the Judges were removable at pleasure. At the time the bill for creating these courts passed, Lord Grenville said the measure was only to be temporary; and in effect the Government had given up the principle of it in 1826, but the form was still continued. It was not his intention to recommend any alteration exceeding that which the committee had proposed. The Judges now depended for their salary on the annual vote of the House of Assembly. He did not wish that Judges should court popular applause, but equally unwilling was he that they should seek ministerial approbation. Yet they were obliged to do so in Canada; and as long as the Judges remained dependent on the pleasure of the Crown, the House must and would retain that as the only check on their conduct. The Judges were consequently in a situation which made them of necessity, in acting and feeling political partisans. In the first place they were members of the Executive Council. He should but waste the time of the House if he attempted to argue on such a fact. But besides that, they were members of the Legislative Council. There was a strong feeling in this country against such an union of opposite duties—a feeling that was powerfully manifested in the late Lord Ellenborough's case. He would give one instance of the practical effect of this system of judicature. The court of Quebec, two years ago, was occupied with a number of prosecutions for libel; the Chief Justice of that court was the Chairman of the Executive Council, and the Speaker of the Legislative Council; two of the Judges were members of both Councils, and the remaining Judge was a member of one of them: the Jury were appointed by the Sheriff, who was a salaried officer of the Council, and he happened at that time to be the son of the Chief Justice: the Attorney General, by whom the prosecutions were instituted, was the colleague of the Chief Justice in the Legislative and Executive Councils, and thus all the officers concerned in the administration of justice were connected politically together. There was at that time a feeling all over the country that the prisoners had not the least chance of justice. But even what he had stated did not comprehend all the grievances of which the colony had to complain. What he contended for was, that Parliament ought to give the colonists the opportunity of redressing the evils they felt. They should have a good Legislative Council, an improved system of judicature, and then they might get rid of all the Acts now passed to support the government of Canada. The Canada Committee, in a recommendation given to the government, stated that one of the most important subjects of inquiry with them had been the state of the Legislative Councils, and they recommended that the Legislative Assembly should be made more independent, and that the Judges should not be members of the Executive Council. Under these circumstances, adopting their opinion, he should move a Resolution, declaring that the House concurred with that opinion of the Canada Committee, and stating, secondly, that it was the opinion of that House, that the majority of the Legislative Council ought not to be composed of officers of the Crown, and that every measure, having for its object to connect more intimately that branch of the constitutional government of Canada with the interests of the colony would be beneficial. He should propose, in the third place, to declare, that it was not expedient to fill the judicial seats of Upper and Lower Canada with members of the Legislative and Executive Councils. He should have been unwilling to have raised that discussion, if he had not been compelled to do so by a sense of justice. At the same time he could not help observing the situation in which we were placed. In a very short time that House would be called on to vote 200,000*l.* for military works in Canada, which would be quite unnecessary if the Government would do the little that was required to secure the hearty attachment of its inhabitants. He entreated the House not to neglect that cheap and constitutional safeguard which was to be found in the hearts of a grateful and affectionate people. What he had now submitted to them had been demanded by the Legislative Assembly of Lower Canada—had been recommended by the committee here—and was in accordance with the unanimous opinion of the people of the colony; and if granted, it must conduce to the tranquillity, interest, and happiness, of a most important part of the possessions of this kingdom. He moved the following Resolutions:—

"That it is the opinion of this House, that a majority of the members of the Legislative Councils of Upper and Lower Canada ought not to consist of persons holding offices at the pleasure of the Crown; and that any measures that may tend to connect more intimately this branch of the constitution with the interest of these colonies, would be attended with the greatest advantage.

"That it is the opinion of this House, that it is not expedient that the Judges should hold seats in the Executive Councils of Upper and Lower Canada, and that (with the exception of the Chief Justice) they ought not to be involved in the political business of the Legislative Councils.

"That it is the opinion of this House, that it is indispensable to the good government and contentment of his Majesty's Canadian subjects, that these measures should be carried into effect with the least possible convenient delay."

Lord *Sandon* said, that he rose to second the Motion of his hon. friend with the greatest pleasure, from the perfect concurrence which he felt in his views. The principal difficulty he experienced in arguing the point was, to anticipate by what arguments the adoption of the Resolutions could be opposed. The principles they enunciated were become so much axioms in the science of politics, as to have been long since placed, in this country at least, beyond dispute. They affirmed the importance of separating the legislative and executive from the judicial functions; the importance of giving independence to judges, and a national character to the higher branch of the legislature of a free colony. Upon the first point, he should content himself with the authorities of Paley and Blackstone; the former having said, "The first maxim of a free state is, that the laws be made by one set of men, and administered by another; in other words, that the legislative and judicial characters should be kept distinct." The words of Blackstone were equally impressive:—"Nothing is more to be avoided in a free constitution, than uniting the provinces of a Judge and Minister of State." This much-reprobated union of incompatible characters prevailed in the greatest degree in Canada. As the House had heard from his hon. friend, the same person advised in the morning in the Executive Council, that certain laws should be proposed, voted upon them in the afternoon in the Legislative Council, and administered them in the evening on the bench. Nor was that merely a theoretical evil,—the greatest practical evils had already resulted from it—the Judges had been converted into active political partizans;—they talked in the legistature of the way in which they meant to interpret the laws upon the bench; and all confidence in the purity of the administration of justice, in cases where the government was a party, had been destroyed. Nor had less mischief arisen from the practice which prevailed in that colony,—so different from that which was intended by the framers of its constitution,—of filling the Legislative Councils, the second branch of the Legislature with a majority of placemen, unconnected by ties of birth and property with the interests of the colony, and therefore inspiring no confidence whatever in the independence of their deliberations. All the advantage which could be expected from a constitution formed upon the British model of an equipoise of powers had been lost. The government had, in the main, consisted of two jarring powers—the House of Assembly and the Governor; the Legislative Council being generally considered merely as the convenient organ by which he expressed his will. And here he must express a slight difference of opinion from his hon. friend, who represented that as uniformly the case. Would to heaven it were so! Then fewer obstacles would be thrown in the way of the wise and benevolent intentions of the present Governor, and more of the recommendations of the Canada Committee would, by this time, have been carried into effect. He was afraid, however, that the unwise course pursued for ten years by a former administration, had contrived to raise up a little faction of official personages in the Council, who had too often succeeded in representing themselves as the real English party in the Colony, and who resisted the wishes, and shackled the judgment even of the Governor, when directed to the reform of abuses, of which they were the authors and by which they profited. They reminded him of that little faction in Ireland, which used to play the same part, under the assumption of the same title, and which succeeded but too well in deceiving the judgment, and defeating the benevolence of the English Government. He might notice another point of similarity to that misgoverned country. All offices of trust were reserved for the professors of the Established Religion, who formed a small minority of the inhabitants; and though four-fifths of the population were of French origin, as they professed the Catholic faith, only seven French names out of the twenty-seven appeared upon the lists of the Legislative Council. If independence and a character of nationality were not to be given to the Legislative Council, it had better be abolished altogether. Without these attributes, it would only be an useless clog to the wheels of government; supplying an additional chance of difficulty and collision. As it was constituted, every dispute between the two houses, was a dispute between the colony and the mother country. Such a system he was confident, would not be defended by the right hon. Secretary for the Colonies. What objection, then, could be made to the propositions before the House? The right hon. Gentleman might say, perhaps, that he was already proceeding upon the principles which they enunciate; that they were therefore unnecessary, and that it appeared like a reflection upon him to call upon the House to affirm them. This argument would be well enough, if the measures he was pursuing in Canada were of that rapid and decisive character as to sweep away at once all the abuses complained of, and practically to declare to the colony, that the right hon. Gentleman had adopted the principles of the Resolutions. But his proceedings were gradual unaccompanied by any general declarations of the principles on which they were conducted, unfitted to heal the wounds which had been so long rankling, and to appease the feelings of dissatisfaction which had been so long and so justly excited. Besides, the Canadians wanted to have a pledge, not only from the Ministers of the day, but from Parliament itself, which should shut the door against a return, by any future Minister, to the exploded system, and restore confidence to the colony, by a public and authentic declaration. It would require all that could be done in that way to make palatable to the colony the measure which the right hon. Secretary had brought into the House, avowedly for the purpose of conciliation, but which was unfortunately in the teeth of a recent resolution of the popular branch of the Canadian Legislature. The Canadians wanted that the Judges should not be dependent on the Crown; and to make them independent of the Canadians was the object of what the right hon. Gentleman expected to be a healing measure. He expressed, in conclusion, his hearty concurrence in the Resolutions proposed by his hon. friend.

Sir *George Murray* addressed the House in vindication of the conduct of his Majesty's Government. He began by complimenting the hon. Gentleman by whom the Resolutions were moved, on the moderation of the tone in which he brought them forward, and the manner in which he pressed them upon the adoption of the House. It had been contended on the other side, he said, that the recommendation of the committee was not acted on by the Government; but he thought the most decisive answer to that would be found in the papers laid upon the Table of the House. From them it could not but be apparent, that those recommendations had been fully acted upon, so far as circumstances allowed, and where insufficiency of information delayed the Government, it had had recourse to the Governor to supply that want, and was then waiting for further information from him. As a proof that his Majesty's Government at home was not influenced by any undue desire to fill the Legislative Council with persons holding office at the pleasure of the Crown, he should just mention the fact, that three vacancies had recently occurred in the Legislative Assembly, and those vacancies had been filled up with the names of three gentlemen, not one of whom held office under the Crown—gentlemen recommended by the Governor as persons who, from their rank and station, their characters and abilities were well qualified for the honours and the privileges appertaining to a seat in that Assembly; and he begged to offer the fullest assurances to the House that, in future, vacancies would be filled up in a similar manner. He fully admitted that the Judges, with the exception of the Chief Justice, ought to be excepted from the list of the Legislative Council, and he was enabled to state, that recently, gentlemen appointed to the Bench resigned their places in the Legislative Council. Again, it was rather hard to censure the manner in which seats in that Assembly were filled, without making allowance for the difficulty of finding an aristocracy in a Colony settled under such circumstances as that of Lower Canada, or, indeed, in any colony at all. Besides, that difficulty arose out of causes that now, he hoped, had passed away. There had been a period when the feelings and conduct of the Government at home had been guided by considerations which he hoped hereafter would have no influence. He alluded to the differences on religious matters, which, until very recently, produced important effects upon all the political proceedings of this country. Those feelings naturally spread themselves outwards towards our Colonies. There were besides those impediments to improvement of the institutions of that colony, the difficulty which arose from the population of the colony being made up both of French and English. He concurred with the hon. Gentleman opposite that the appointment of Judges during good behaviour deserved the highest praise, as a general principle, and ought to be adhered to wherever practicable; but he much doubted the advantage of carrying that principle into full operation in Canada. He must be allowed to say, that all his experience respecting that colony and others led him to that conclusion. There was extreme difficulty in getting Judges for our colonies—men whose fitness could be regarded as certain. The Government was, accordingly, often compelled to send out persons scarcely qualified for those situations; and if, upon trial, it was found they were unfit, it was highly important that the power of removing them should be vested in the Crown. In the mother country the case was different. There it was easy to secure the services of Judges well qualified, and the independence of such persons was highly to be desired; but in the colonies the case was altogether different. In order to show that the Legislative Council was not so dependent upon the Government as had been alleged, he instanced the case of the Supply Bill last year, and another case, in both of which considerable opposition was raised to the measures of the Government, and the Council was divided into the supporters and the opponents of the Executive. He should oppose the Resolutions of the hon. Gentleman opposite, for he thought the situation of the colony did not call for any such expression of opinion on the part of the House; he should oppose them too, as conveying an implied censure upon the Government. The second Resolution went to stigmatise, most unjustly, the Legislative Council; and as to the third, he must say, that his Majesty's Government had lost no opportunity of improving the judicial body in that colony. He concluded by moving the previous question.

Lord Viscount *Howick* did not by any means agree in the conclusion to which the right hon. Secretary had come on this subject. On the contrary, the whole tenor of his speech went to support the

Resolutions. The only point on which the right hon. Gentleman differed from his hon. friend who brought forward the subject, related to the dependence of the Judges on the Crown; but that question did not enter into the Resolutions. Upon the main point adverted to, there was no difference of opinion. His hon. friend contended, that the Judges ought not to hold places in the Legislative Council and in the Executive at the same time; and the right hon. Gentleman admitted this was highly improper—but he objected to the Resolutions, as tending to throw a stigma on the Government. For himself he must say, that the line of conduct pursued by the right hon. Gentleman towards this colony since he came into office was by no means deserving of censure—on the contrary, the despatch which had been laid on the Table, did great credit to his judgment; he did not blame the Government for its positive acts, but for its omissions; there had been too much delay in carrying into effect the recommendations of the Canada Committee. The people of Canada could not be satisfied for ever with expectations. Something ought to be done, and first the recommendation of the committee ought to be complied with, and the legislature put in that position in which, according to every principle of a free constitution, it ought to rest. The right hon. Secretary said, it was not in the power of the Government to remove those holding office under the Crown from the Legislative Councils, because their nomination was for life; but the Government had the power of removing those persons from the situations they held in the Executive, which was the most important consideration of the two. Let the Governor assure those who held office and also places in the Council, that the permanent possession of a seat in the Council must render them incapable of holding office under the Crown, and then the matter might be speedily and safely arranged. When the right hon. Secretary said, that the recommendation of the committee, with respect to the Judges, could not be carried into effect because the Judges could not be deprived of their places, the holding of which was unconstitutional, he acted rather too strictly according to the letter of the Constitution, and too little in accordance with its spirit. It was the principle of our Constitution, and he wished to see it acted on for Canada, that the people should govern themselves, and that the Legislature should not resist the unanimous wishes of the people. With regard to the resolutions casting a slur on the Legislative Councils, he did not think that their language would bear such an interpretation. For his own part, he wished to say nothing harsh or severe of the persons composing the Legislative Councils, he was not sufficiently acquainted with their proceedings to characterize their conduct strongly, but from what he knew of them he had not formed a very favourable opinion of their temper or spirit. He had not heard one reason against the principle of the resolutions—not one reason to convince him that it would not be expedient to agree to them, as the recorded opinions of that House; and viewing them in that light, he meant to give them his most hearty support.

Mr. *Wilmot Horton* did not wish to prolong a discussion on which so little substantial difference seemed to have arisen. It was his intention to do no more than express his satisfaction at the statement just made by the right hon. the Secretary for the Colonies. As a member of the Canada Committee, he begged to remind the House, that when the Committee recommended that Judges should not hold seats in the Legislative Council, it intended that the principle should be brought progressively into operation; and not that those Judges, now holding seats, should be immediately removed. That principle had been fully recognised by his Majesty's Government. The right hon. Secretary said, he concurred in the recommendation of the Committee, and he must congratulate Canada upon that declaration, as it was a pledge that his Majesty's Government meant to act on the recommendations of the Committee. He felt himself pledged to the resolutions proposed, because they embodied the principles of the Report agreed to by the Committee; but he did not wish those resolutions to be passed, because he thought with the right hon. Gentleman, that they conveyed a censure on the Government which it did not deserve. He should be sorry to see those resolutions passed, because, although they expressed the unanimous feelings of the House, and the opinion of Government as to Canada, yet he felt himself called upon to vote against them on the grounds stated by the right hon. Secretary. The second resolution was, he thought, in its language decidedly objectionable.

Lord *Althorp* thought, the way to preserve the important line of coast which we possessed in Canada was, not by fortifications, but by conciliating the people. He thought the people of that colony entitled to all the advantages of a connection with this country, and all the benefits of local Governments combined—they ought to have a free and independent Constitution. Their Government was formed upon the model of the British Constitution, and means should be taken to assimilate it to that of this country, by connecting the Legislative Council with the people of the colony. Now, it was impossible that the people of Canada could look with confidence to a Council composed of persons in the service of the Crown, and removable at pleasure. Notwithstanding what might be said to the contrary, he would maintain that those Resolutions were founded upon the Report of the Canada Committee, and for that as well as other reasons they should have his support. He thought it most desirable that the House should adopt them.

Mr. *M. Fitzgerald* conceived, that the House ought to be satisfied with the assurance given by Ministers. When any reasonable doubt could be entertained of their professions, it would be time enough to call in the authority of the House; he therefore recommended that, for the present, the Resolutions should be postponed; They would, he feared, mar the good effects of the measures of Government in Canada.

Mr. *J. E. Denison* thought, that the spirit in which the right hon. Gentleman had referred to the Resolutions proposed by his hon. friend, demanded some observation. He thought it would be difficult for any person to object to these Resolutions who did not object to the principle; and accordingly, the right hon. Secretary did not object, either to the principle or the Resolutions; but he objected to the time when they were brought forward. The principle contained in them involved nothing less than the existence of a free constitution in Canada. The sooner the House distinctly declared its opinion on that subject the better. and every moment that was delayed was improperly lost. The House was at length called upon to act in the true spirit of conciliation towards the Canadas, and he did hope, that it would proceed to a settlement of the differences in Canada, in a satisfactory manner. But where was the utility of proceeding according to the plan of the Government? How could the House expect any good or great results to flow from what the right hon. Gentleman, the Secretary of State for the Colonies, had promised to do, if it left the constitution of the Legislative Council as at present? That Council was the mere tool of Government. Suppose a bill should pass the House of Assembly, and be objected to in the Legislative Council, as long as the majority of the members of that council held places under the Crown, the objections to such a bill would be considered as coming, not from a body of independent individuals representing the interests of the inhabitants of the colony, but from the Governor himself, and that would bring into discussion the question of English connexion, and English Government. All the difficulties, then, which must result from the seat of government being removed to a distance would be increased; and if the House did not adopt measures to alter the character of the Legislative Council, and to remove that impression which its existing constitution made on the inhabitants of Canada, great inconvenience, and effects still more to be deplored, must follow. The right hon. Secretary had spoken of the great difficulty of making the Judges in the colonies independent of the government. Their small salaries gave rise in part to this. It was further said, that they might mix themselves up in the party politics, and party proceedings, of the colony; and therefore, that it was necessary for the Government to retain the power of removing them, when it thought fit. But these dangers existed already. The dependence of the Judges on the Government, combined with their possession of seats in the Legislative Council, detracted from the purity of principle which should distinguish the judicial character; and these Judges were more likely to mix themselves up with party politics at present, and to exhibit a particular bias in such party cases, as might come before them, than they would be if the nature of their appointment were changed. He thought that his hon. friend would do right to persist in his Resolutions. There had been two long years of delay, expectation, and suspense. He hoped that the Legislature would then come to a determination upon the question, so that the people of Canada might know what the Government and Parliament intended to do. This was not a case regarding a foreign nation or a foreign connexion; but one respecting a portion of the subjects of this country, many of whom had not, many generations back, gone to settle there; a country where liberty was enjoyed to a greater extent, and with greater advantages than even in England. The report to which allusion had been already made, the report presented to the Congress of the United States, put that matter in a favourable point of view for the Canadas. We were accustomed to speak of the United States as enjoying the greatest freedom in the world; but in that report the people of Canada were held up to the citizens of the United States, as objects of emulation and rivalship; a comparison was there drawn between the condition of the people respectively, in the two countries; and, both as regarded commerce and taxation, the comparison was greatly in favour of the Canadas. His hon. friend was blamed when he first brought the question of Canada before Parliament. But now that the matter had been investigated by a committee; and a concurrence in its views obtained from the Government, now that the measures adopted had been the means of producing great benefit in that colony, encouraging the people of Canada to place the greatest confidence in this country, after all that had occurred, it was but justice to his hon. friend opposite, to give him credit for the exertions that were originally blamed. He hoped his hon. friend would press his Resolutions to a division, and he should have his cordial support.

Mr. *C. Grant* thought, that the thanks of the House were due to his hon. friend, for having brought forward his Resolutions, and to his right hon. friend, for the manner in which he had shown his willingness to carry the Resolutions of the Committee into effect. It was essential that those Resolutions should be followed up, in order to show that there was no intention of having one government at home and another abroad; and he trusted that they should never again hear it contended that the Colonies were not to enjoy the principles of our Constitution. He maintained, that it was one great principle of that Constitution, to keep those possessed of the judicial function severed from the legislative body. Three measures, however, which had been touched upon that night, were deserving of eulogy, viz. the relaxation of the commercial policy of this country with regard to the Colony, the appointment of the Committee of that House, and the appointment of Sir James Kemp. With regard to the Resolutions of the hon. Gentleman, he was glad that he had introduced them, though for himself he was satisfied with the declarations that had been made by his right hon. friend on the subject; for he could not entertain a doubt that those declarations contained a pledge with respect to future Governments; and he should be glad to know who that Secretary of State would be, who should hereafter come forward and avow that he was prepared to deviate from those declarations. If, therefore, the hon. Gentleman should think it right to withdraw his Motion, he for one was prepared to accede to such a course; but if he thought it his duty to persevere, he, on the other hand, would certainly vote for the Motion; and he might observe, that it would perhaps have been more convenient, if the Government had itself last Session proposed some such measure. [*cries of* " *Question, Question.*"]

Mr. *Stuart Wortley* said, he would take that opportunity of expressing a hope that no more time should be lost, for every moment that was lost reduced the chance of doing good. With respect to the right hon. Gentleman, however, he thought that it was but justice to say, that he seemed to have done every thing that the time would permit. To pass the Resolutions would be unfair towards the Government; he regretted that they had been proposed, and he hoped that they would not be adopted.

Mr. *Hume* said [amidst many marks of impatience in the House] he hoped his hon. friend would press his Motion to a division, for the purpose of satisfying the people of Canada that there was a party in that House that took an interest in their welfare. He said this, because he knew that the eyes of the people of Canada were turned on that House. Some hon. Members might not take that interest which he and others did in this matter, but as he held in his hand an address from the inhabitants of Canada, complaining that nothing had been done towards satisfying them, he thought that the House was bound to give this subject its most serious attention. He resisted the idea that Government had done any thing; on the contrary, it had lost two years in carrying into effect the recommendation of the Committee. In addition to all their other grievances, he thought that this country did wrong in pressing upon Canada a dominant Church. The Canadians, however, were roused to a sense of the injustice that had been done them, and he trusted that they would never quit the agitation of the subject, till they obtained their rights.

Lord *Milton* suggested to the House, whether it would not be better to take such a course as would induce the people of Canada to look, not to any particular individuals who might happen to be in office, but to the people of England as represented in that House. He therefore trusted that his hon. friend would persist in his Motion, not for the purpose of holding out to Canada that there was a party ready to take their case under its protection, but to show them that there was a principle in Parliament, and a general feeling also, that the grievances of the Canadians ought not to be less considered in that House than the grievances of the people of England.

Sir *Robert Peel* said, he had been asked, whether he did not think that the Judges ought to be independent of the Crown? This was a difficult question to answer in general, as much depended on the nature of society, on the state of the Colony, and on the nature of the inducements held out to men to accept judicial situations. The great point to be aimed at was, a pure and impartial administration of justice in the Colony. The Mover and Seconder of the Resolutions that had been proposed to the House, had supported them in a manner which indicated that it was necessary to force his right hon. friend to adopt the recommendation of the Committee; but it had already been pointed out by his right hon. friend, that he had not only adopted the principle, but had actually carried it into practice, by seizing the opportunity afforded by three vacancies to appoint the successors in accordance with the suggestion of the Committee. As the Resolutions were meant to apply a stimulus to the Government, which his right hon. friend had shown that the Government did not need; that was, he thought, a sufficient reason why the House, which must, under such circumstances, wish to avoid the appearance of censuring the Government, should not adopt the Resolutions. There were, however, two other reasons. First, as the Resolutions referred to the exercise of the prerogative of the Crown, the House ought to proceed by addressing the Crown to abstain from exercising that prerogative, and not by coming to the proposed Resolutions. The Act regulating the Canadas gave the power to the Crown, and if the House wished to restrain that power, it would be proper to proceed by a legislative measure. To the Resolutions of that House the other House of Parliament could not be a party; and therefore, what was intended to alter the prerogative should be done by a measure in which the whole Legislature could concur. Another reason was, that the Crown had exercised its prerogative, and had appointed a Council, and in that Council were several persons dependent on the Government, as well as Judges; and a Resolution of that House, condemning the formation of that Council, would not add to its respect in the Canadas. He thought it would not be wise, therefore, for the House of Commons to come to such a Resolution. He desired to see the Colonies prosperous; and he was convinced they would long be of use to the mother-country, by remaining connected with her by the ties of affection; and it was only by those ties, which he wished to see strengthened, that we could secure their assistance and good-will.

Mr. *Labouchere*, in reply, stated, that he thought the Council might be immediately made up of persons independent of the Crown. He was also of opinion that the measures proposed by the right hon. the Secretary of the Colonies might be carried into execution in a shorter time than he contemplated. But, at any rate, the evils of allowing the Judges to have seats in the Council were so great, that the Government ought immediately to say to them, that they must give up their seats in the Council, or their situations as Judges. For these reasons he felt himself bound to press his Motion to a division.

The House then divided on the First Resolution—For the Motion 94; Against it 155—Majority against the Motion 61.

List of the Minority.

Althorp, Lord
Baring, Sir Thomas
Baring, F.
Baring, Wm. B.
Bernal, Ralph
Benett, J.
Blake, Sir F.
Blandford, Marquis
Brownlow, Charles
Brougham, H.
Carter, John
Cavendish, Wm.
Calvert, Charles
Carew, Richard
Cholmeley, M. J.
Clifton, Lord
Clive, Edward B.
Compton, Samuel
Dawson, Alexander
Denison, W. J.
Denison, J. E.
Du Cane, Peter
Dundas, Sir Robert
Dundas, Hon. T.
Dundas, Hon. H.
Easthope, John
Ebrington, Lord
Foley, J. H.
Fergusson, Sir R. C.
Fazakerley, John N.
Guise, Sir B. W., bt.
Gordon, R.
Graham, Sir James
Grant, Rt. Hon. C.
Grattan, Henry
Howard, H.
Howick, Lord
Hume, J.
Honywood, W. P.
Huskisson, Rt. Hn. W.
Heron, Sir R.
Hobhouse, J. C.
Jephson, C. D. O.
Kemp, T. R.
Killeen, Lord
Knight, R.
Kennedy, T. F.
Lambert, J. F.
Lennard, T. B.
Lamb, Hon. G.
Lawley, F.
Martin, John
Marshall, W.
Milton, Lord
Macdonald, Sir J., bt.
Morpeth, Lord
Maxwell, John
Monck, J. B.
Normanby, Lord
Ord, Wm.
O'Connell, Daniel
Poyntz, W. S.
Phillimore, Dr.
Protheroe, E.
Philips, Sir G., bt.
Ponsonby, Hon. F.
Ponsonby, Hon. W.
Philips, G. R.
Parnell, Sir H.
Price, Sir Robert
Pendarvis, E. W.
Rumbold, Chas. E.
Russell, William
Russell, Lord John
Rice, T. S.
Robinson, Sir G. R.
Robarts, A. W.
Stanley, Lord
Stanley, Edward
Smith, R. Vernon
Stewart, John
Stewart, Sir M. S., bt.
Thompson, P. B.
Thomson, C. P.
Townsend, Lord C.
Webb, Col. Edw.
Western, C. C.
Wood, C.
Wall, C. B.
Wilbraham, G.
Wilson, Sir R.
Wood, J.
Warburton, H.

TELLERS.

Labouchere, H.
Sandon, Lord

PAIRED OFF.

Beaumont, J. W.
Birch, J.
Davenport, Edward
Ellis, Hon. Agar
Grant, Robert
Guest, J. J.
Ponsonby, Hon. G.
Whitbread, Wm.
Wood, Alderman

TOBACCO MANUFACTURERS.] Mr. *Chas. Calvert*, in moving that the Petition from the Tobacco Manufacturers of London, Westminster, and Southwark, praying for Repayment of the Duty which had been paid on Stock prior to July 5, 1825, and presented on February 17, be referred to a Committee, observed, that he made that Motion from a conviction impressed on his mind, as well as on the minds of the petitioners, that such a course would be advantageous. The petitioners before brought forward their case, and he regretted to state, that in their opinion it was not attended to in that quarter to which they naturally had recourse. In order to make the case of the petitioners intelligible, it might be necessary for him to state, that they were manufacturers of an article, the first cost of which bore no proportion to the duty. The duty on Tobacco, in fact, was equal to 1,600 per cent on the prime cost. Under these circumstances, it was quite evident that there must be at all times a great anxiety on the part of the manufacturers of Tobacco, to know whether any alteration was intended to be made in the duty. Accordingly, early in the year 1825, applications were made to the Government, to ascertain that point, and the Tobacco manufacturers were informed that it was not the intention of the Government to make any alteration. Owing to these assurances, the manufacturers were induced to lay in their stocks, paying duty to the amount of 4*s.* per pound; but, by some neglect, the duty of 1*s.* in the pound, the last duty laid on Tobacco, was not renewed, and the duty payable by law amounted only to 3*s.* per pound; being 25 per cent less than the duty which the Chancellor of the Exchequer stated it was the intention of the Government to continue. On the 2nd of August 1825, it was discovered that, by an omission of the annual Act of Parliament, the Government had been improperly receiving 4*s.* in the pound duty subsequent to the 5th of July; the duty payable by law being 1*s.* less than it was the preceding year. The Government was, of course, bound to return the excess of duty received subsequent to the 5th of July; and it did so, but very large sums were lost by those who purchased their stocks previous to the 5th of July, on the assurance that no alteration was contemplated. The loss certainly fell on but a few persons, but it was very hard on those few. One of the petitioners, whom he knew, lost a very large sum of money by these means. Representations had been made by the manufacturers to his Majesty's Government on the subject; but they had not been attended to. It was not necessary for him to enter further into the particulars of this case, as he thought that he had sufficiently stated the grounds on which he asked the House to sanction the appointment of a Select Committee. The case of the petitioners had not been sufficiently and effectually investigated, and the only way in which it could be was by the appointment of a Select Committee. He had no doubt that, from the hands of such a committee, the petitioners would obtain that justice they had so often claimed, but which hitherto they had been so unfortunate as not to obtain at the hands of his Majesty's Government. In conclusion, the hon. Member moved "That the said Petition be referred to a Select Committee, to examine the matter thereof, and to report the same, with their observations thereupon, to the House."

The *Chancellor of the Exchequer* said, he was far from thinking that a Select Committee was necessary in this case, and he hoped that he should satisfy the House, that the question lay in so narrow a compass, and the facts were so plain and simple, that it might come to a decision at once, without the intervention of a committee, as to whether the prayer of the petitioners ought to be granted. As his hon. friend had stated, in the year 1825, by an accident, the duty on Tobacco, which it was intended to continue at 4*s*. was fixed at 3*s*. per lb.; and the statement of the petitioners was, that as they were induced to lay in a stock, by the assurance of the then Chancellor of the Exchequer, and that as they had paid the full duty of 4*s*. on the stock in hand, twenty-five per cent should be returned to them. The petitioners, in consequence of this supposed claim, applied to Viscount Goderich, who was then Chancellor of the Exchequer. Representations had also been made to his right hon. friend near him, when he held the office; similar representations were, he believed, made to Mr. Canning; and repeated applications had been made to himself. The question had been so often discussed, that he had replied to the petitioners, that it was not thought necessary to disturb the decision already come to by the Treasury. In giving that answer, no disrespect whatever was intended to the petitioners, but a decision having been come to, after full deliberation, he should not have been justified in departing from that decision, confirmed as it was by the views of successive Chancellors of the Exchequer. It might be well to consider a little on what principle the petition claimed the return of the duty paid by them on the stocks which they had on hand previous to the 5th of July 1825. It had usually been considered proper, that when a duty was lowered, the manufacturer should have the surplus duty on the stock in hand returned to him, or be allowed sufficient time to get rid of it. In the year 1819, when the duty on tobacco was increased from 3*s*. 2*d*. per lb. to 4*s*. no charge was made on the manufacturers for the stock in hand. They had the advantage of buying it at 3*s*. 2*d*. to sell at 4*s*. and now when the duty was reduced from 4*s*. to 3*s*. what claim had they that the difference should be returned to them? But there was even a stronger case against them. The duty of 4*s*. ceased on the 5th of July, and the error was not discovered until the month of August. Up to the month of August, therefore, the petitioners were selling this Tobacco to the public under the impression that the duty was 4*s*. per lb. Every pound sold to the public previous to the 2nd of August, was charged as if the duty were 4*s*. per lb.; but yet, when the mistake was discovered, the manufacturers were returned the whole of the duty which had been erroneously received. The sum returned, was between 59,000*l*. and 60,000*l*., although the manufacturers had received in retail, the whole sum charged in the interval between the reduction of the duty, and the discovery of the mistake. The manufacturers charged the public the full duty of 4*s*. and recovered back what they had paid above 3*s*. Under those circumstances, the House would come to the conclusion, he hoped, that the petitioners had no just ground for the claim they had made, and would agree with him, that there was no ground for referring a question so simple to a committee. In his opinion, the claim of the petitioners was not entitled to any further consideration than it had already received.

Mr. *Charles Calvert* said, that he was not a little surprised at the manner in which the right hon. Gentleman had met this Motion. He alleged, as a reason for doing injustice in 1825, that no additional charge had been made on the manufacturers for the stock in hand, when the duty was raised from 3*s*. 2*d*. to 4*s*. in 1819. What had the manufacturers of 1825 to do with the manufacturers of 1819? They were not the same persons. The case of the manufacturers of 1825 was this; upon the express assurance of the then Chancellor of the Exchequer, that no alteration would take place, they laid in large stocks; and subsequently, contrary to the assurances on which they acted, the duty was reduced 25 per cent. The right hon. Gentleman said, that the excess of duty paid between the 5th of July and the 2nd of August, had been returned. That duty was received contrary to law, and the Government was bound to return it, so that the right hon. Gentleman must not take any credit for the return of that duty. Nor was the sum returned all profit to the manufacturers. They were bound to make allowances to retail dealers all over the country, to whom they had retailed tobacco subsequent to the 8th of July, and before the mistake was discovered. He would undertake to prove, that between 50,000*l.* and 60,000*l.* had been lost by the manufacturers. Tobacco required only three days to manufacture it, but snuff took nearly six months. During the whole time, therefore, that the snuff manufactured from tobacco, purchased under the circumstances he had stated, was in a state of preparation, the manufacturer was losing 25 per cent. He did not propose that this House should vote an allowance to the parties who had suffered this loss, but if the House granted a committee, he had no doubt that the opinion of that committee would be, that Government was bound to make good the actual loss suffered by the petitioners. The situation in life of these petitioners, and their commercial respectability, certainly made him desirous of taking the opinion of the House on the subject.

Motion negatived without a division.

GALWAY FRANCHISE BILL.] Mr. Spring Rice moved the third reading of the Galway Franchise Bill.

Mr. *J. Daly* opposed the Bill, and moved, as an amendment, that it be read a third time that day six months.

Mr. *Spring Rice* argued in favour of the Bill. It was only intended to carry into complete execution the principle adopted by that House of admitting Catholics to the offices of the State as well as Protestants.

Mr. *Trant* opposed the Bill, as giving the whole power of the Corporation of Galway into the hands of Catholics.

Mr. *North* objected to the Bill, that it robbed the corporation of a portion of its privileges. The Charter of that town was violated by the Act of George 1st, and this Bill, instead of restoring it, was a further violation of the charter. He would vote against it.

The House divided: for the Amendment 59; Against it 77—Majority 18.

List of the Minority.

Beresford, Lt.-Col. M.
Bernard, Thomas
Bankes, George
Burrard, George
Buck, Lewis W.
Courtenay, Rt. Hon. T. P.
Croker, Rt. Hon. J. W.
Corbett, Panton
Campbell, Archibald
Cust, Hon. Captain P.
Cust, Hon. Major E.
Cockburn, Rt. Hon. J.
Clerk, Sir George
Calvert, John
Dundas, Hon. H.
Drummond, Home
Dawson, G. R.
Doherty, John
Estcourt, J. H. jun.
Fyler, Thomas B.
Freemantle, Sir T. Bart.
Fitzgerald, Rt. Hon. M.
Garlies, Viscount
Gordon, Hon. Capt. W.
Grant, Sir Alexander
Goulburn, Rt. Hon. H.
Hill, Sir George
Hardinge, Sir Henry
Herries, Rt. Hon. J. G.
Hodson, J. A.
Inglis, Sir R. H.
Jones, John
Knox, Hon. John
Lowther, Viscount
Lewis, Right Hon. F.
Martin, Sir Byam
Maitland, Hon. Capt.
Moore, George
Murray, Sir G. Bart.
Owen, Hugh O.
Prendergast, M. C.
Peel, Wm. Y.
Peel, Rt. Hon. Sir R.
Planta, Joseph
Perceval, Spencer
Ross, Charles
Rae, Rt. Hon. Sir W.
Saunderson, Alex.
Sibthorp, Col. C. D.
Stopford, Lord
Scott, Sir W., Bart.
Spottiswoode, Andrew
Sturt, Henry Charles
Twiss, Horace
Trench, Colonel F. W.
Trant, Wm. H.
Talmash, L.
Vyvyan, Sir R. R.
Wortley, Hon. J. S.

TELLERS.

Daly, James
North, J. H.

HOUSE OF LORDS,

Wednesday, May 26.

MINUTES.] Earl Pomfret took the Oaths and his Seat. Earl BATHURST laid on the Table the Report of the Committee appointed to search for Precedents respecting a Substitute for the Sign Manual. The Masters in Chancery, the Register of Chancery, and the Criminal Returns' Bills, were read a second time.

Petitions presented. Against Slavery, by Lord CALTHORPE, from certain Dissenters in Yorkshire:—And by the Marquis of LANSDOWN, from Camborne, Cornwall. By Viscount MELBOURNE, from Leeds, against the Punishment of Death for Forgery. By the Duke of GORDON, from Elgin, against the increased Duty on British Spirits. By Lord FARNBOROUGH, from the Miners of Allendale and Alston (Northumberland), complaining of Distress, and praying for an additional Duty on the Importation of Foreign Lead. By Lord HOLLAND, against a Clause of the Birmingham Free Grammar School Bill, from the Dissenters of that Town; and from Dublin, against the increased Duty on Stamps in Ireland. By Lord KING, against the Window Tax, from the Parish of St. Luke, Middlesex. By the Marquis of LANSDOWN, from the County of Dublin, against the increased Duty on British Spirits.

SOVEREIGNTY OF GREECE.] Lord *Durham* said, he rose to ask the noble

Earl when he would be able to present the whole of the Papers connected with the transactions respecting the affairs of Greece? He was anxious to receive an answer to this question, because a prejudice had gone abroad against an illustrious personage in consequence of the statement made by the noble Earl on a former evening —a prejudice which, he was well convinced, never would have been created, if the whole of the information upon the subject had been at once laid before the House. He was also desirous to correct some errors respecting dates, into which the noble Earl had fallen in his explanation last Monday. The noble Earl had said, that up to Friday last his Majesty's Government were not in possession of any documents, nor had received any information that any events had occurred which might affect the ultimate result of the negotiations then pending. And in answer to a question from a noble Marquis, the noble Earl stated, that the papers would be produced, not in consequence of anything that had fallen from the noble Marquis, but because the time had come when they might be brought forward, since the negotiations were concluded upon all except a few minor points. Now this communication was made on the 18th of May, and the fact was, that on the 16th the noble Earl had received a letter from Prince Leopold, dated the 15th, announcing to him in plain terms, that he might expect his Royal Highness's resignation in consequence of despatches he had received from the senate and people of Greece, declaring that they never would consent to the arrangements attempted to be forced upon them by the Allied Powers. He certainly therefore thought it a little extraordinary that the noble Earl should declare, that up to a late hour on Friday last, neither his Majesty's Government nor the Plenipotentiaries had any idea that his Royal Highness contemplated a resignation. It was high time to put an end to this mystery. It was, in fact, upon grounds of great importance, and not in reference to any pecuniary considerations, that his Royal Highness had acted. Besides, a mistake had gone abroad respecting these pecuniary transactions. It was fancied they affected his Royal Highness personally, while in truth they related entirely to the guarantee of a loan, and the whole subject of discussion between him and his Majesty's Government was this loan; and when the noble Earl spoke of his Royal Highness's pertinacity in adhering to his demand, it was well to state that the amount of this demand was precisely the same with that required upon the part of Count Capo d'Istrias before his Royal Highness had any communication with the Allied Powers. He thought it right that this question should be brought fairly before the House, and he called upon it and the country to suspend their judgments until all the papers were laid before them.

The Earl of *Aberdeen* said, nobody could wish more ardently than he wished, that the fullest information should be given to the House upon this subject; and he was persuaded that the more the conduct of the Ministers was examined, the more their Lordships would be satisfied that they had done their duty. He did not propose to enter into a discussion respecting all the papers upon the Table of the House. Those to which the noble Lord had alluded, were Protocols of the Conferences between the three Plenipotentiaries in London; the last of which was held on the 14th of May. On that day the Plenipotentiaries received the assent of the Porte and of the Greek Government to the propositions of the Allies; and on the same day these papers were transmitted to his Royal Highness, the Sovereign Prince of Greece. But on the 15th his Royal Highness sent the Plenipotentiaries three letters received from Count Capo d'Istrias; two of them were dated the 6th of April, and the third on the 22nd of April. Those of the 6th described the state of Greece as one of great apprehension and alarm, and held out no very flattering prospects to his Royal Highness. But the letter of the 22nd contained the adhesion of the Greek Government to the propositions of the Allies, and they of course concluded that the assent of the Greek Government ought to have dissipated all the alarm created by the President's previous letters. These were the feelings of the Plenipotentiaries on the 15th. He then came to explain the mistake into which he thought the noble Baron had fallen. He had not, on the former evening, stated that up to Friday last they had no reason to apprehend any change in his Royal Highness; but what he did say was, that he had not been made acquainted with his determination to resign until 12 o'clock on Friday night. And he had also said, that up to a very few days before this period all the negociations had turned upon the loan, and the mode in which it should be paid. This was the fact, which would be fully borne out by the papers, when laid before the House. Then as to the letter containing his Royal Highness's resignation, it could not be produced by him alone: he was one of three parties concerned—the French and Russian Ambassadors being equally engaged in the affair. He was not the master of the letter, and even if he were, it could not be expected that he should produce, that alone when by itself it would give a most erroneous view of the transactions, and one altogether different from that which would be presented when all the papers were on their Lordships' Table. He would not enter into the question of the loan to which the noble Lord had referred; he would only say, that although he feared he should not often have the fortune to agree with the noble Lord, yet he hoped that even the noble Lord would have no reason to complain of any want of candour on his part in producing all the papers that could elucidate the transaction. When the whole evidence was before him, he thought even that noble Lord would be compelled to approve of the conduct of Ministers. For his own part he would say, that the more this matter was explained —from its commencement to its close— the more satisfaction it would give to him. If he could take twelve unprejudiced men from that House, or from the body of the people, he should be satisfied to abide by their verdict. In answer to the question of the noble Lord, it only remained for him to state, that he hoped to produce all the papers the day after to-morrow.

The Earl of *Malmesbury* complained that the papers had not been distributed. There were only 150 copies, and he was not fortunate enough to obtain one. In his view any discussion on them must be premature. Entertaining a very high opinion of Prince Leopold, he should be very slow to form any suspicions derogatory to his integrity, and would wait till all the information was before him to make up his mind on the subject.

Earl *Grey* contended, that the noble Earl had introduced a premature discussion of the question founded on an *ex-parte* statement. It appeared that in a communication of the 15th of May, Prince Leopold stated, not only that there were inconveniencies to be apprehended, but that there were positive objections to his assumption of the Sovereignty of Greece, because there were countries to be given up according to the arrangements of the Allies, in which there were Greeks who would be driven from them by force of arms. As to the Prince's letter, and the noble Earl's assertion that he would be willing to be judged by twelve impartial men, whose decision must be in his favour, and that this letter gave an erroneous view of the transaction, he begged to observe, that his opinion was directly contrary to the noble Earl's. The assent of the Greek Government was described as a full and complete assent by the noble Earl; but the fact was, that upon the very face of it, it directed that a representation should be made to Prince Leopold, and a memorial presented from the Senate touching their dissatisfaction at the arrangements proposed by the Allies. He complained that the subject had been brought before their Lordships very incompletely, and so as to give a false colour to the whole proceeding.

The Earl of *Aberdeen* said, it was not in his power to produce all the papers alluded to by the noble Earl. He had no authority to produce papers and confidential letters addressed to Prince Leopold by Count Capo d'Istrias. They were not official documents connected with the conferences. He had produced to the last syllable all that had been transacted at the conferences. The noble Earl then repeated that he had never denied having received from Prince Leopold an announcement that he was likely to abdicate; but that announcement was founded upon the letters of Capo d'Istrias, dated before the assent of the Greek Government. The assent entirely changed the character of those letters, and that was the reason which induced him to think that his Royal Highness, either would or ought to have changed the intention which he had formed in consequence of the letters.

Earl *Grey* said, he did not complain that the noble Earl had not produced the papers to which he had referred, but only that he had produced the others without them. Why were not the papers produced which accompanied the assent of the Greek Government?

The Earl of *Aberdeen* said, he could not have produced those papers, because Prince Leopold had not thought proper to give them to him until after he had sent in his resignation. It would, perhaps, have been better not to have laid any portion of the papers on the Table until the whole could have been produced, and it was only because he had promised to have the papers ready on Monday that he had done so.

Lord *Durham* said, that the reason why Prince Leopold did not send in the papers referred to until after his resignation was, that he did not receive them from the French Ambassador until after Friday. With respect to the letters from Count Capo d'Istrias, the latter of which, the noble Lord said, ought to have changed his Royal Highness's determination, that letter announced indeed the acquiescence of the Greek government, but added, that the determination of the Allies was received by the Senate in deep silence. His Royal Highness had, therefore, no reason to suppose from that letter, that his government would be popular, and he was justified in resigning.

Lord *Ellenborough* thought it was impossible to read the papers without coming to the conclusion that the Greek government, as a government dealing with another government, and not appealing to the universal suffrage of the people which created them, but acting on their own responsibility, distinctly acquiesced in the proposals of the Allies. He could not understand the whole of those documents in any other light than that of making Prince Leopold Sovereign of Greece, and of showing that he acquiesced in that arrangement. Noble Lords had, unwisely he thought, discussed this question, as if it were one of personal consideration to Prince Leopold and his Majesty's Government.

Earl *Grey* protested that there was no desire on his part to make the personal conduct of Prince Leopold the subject of discussion; and if it had been made so, it was entirely owing to the noble Lords opposite, who had brought forward such a case against Prince Leopold as made it necessary for his friends to remove forthwith the impression that might make, by contrary declarations. Whatever inconvenience had arisen upon this subject was owing to the incomplete manner in which these papers had been laid upon the Table.

The Duke of *Wellington* entreated their Lordships to suspend their judgments until they had the other papers before them, and had read those which were already on the Table. This discussion had arisen out of a recent practice—very irregular, by the bye,—of noble Lords asking questions of his Majesty's Ministers, and then making speeches upon those questions. The speeches so made must be replied to; for if they were left unanswered, they might produce impressions prejudicial to his Majesty's Government. He contended that the line of conduct adopted by his noble friend on a former evening was perfectly justifiable. On Tuesday, the 18th, his noble friend thought that he could lay these papers on the following Monday in a complete state before the House, and having made a promise to that effect to their Lordships, he had felt himself bound to perform it, by placing them on the Table upon that day. It was on the intervening Friday that his noble friend received Prince Leopold's letter of resignation. It appeared from the papers already printed, that the Prince had departed from a similar intention before; and when his noble friend made his declaration in that House, he did not know that the Prince might not recede from it again. He had therefore laid the papers on the Table on Monday night, without that letter. He could assure their Lordships that this last transaction was completely distinct from all the rest, as they would see when they read the papers. Indeed, from what had occurred that evening, he much doubted whether any of their Lordships had read the first set of these papers.

Lord *Holland* admitted that the practice of asking questions of the Ministry might be inconvenient to the noble Lords who composed it: at the same time he felt it necessary to remind them, that it was an inconvenience to which all their noble predecessors had submitted. If he were called upon to select any period when there had been an uncommon forbearance of the practice of asking these questions, he would say that it was during the administration of the noble Duke. Indeed, the noble Earl had thanked their Lordships for the forbearance which they had displayed upon this very subject, and had said that it had proved very conducive to the settlement of the question. What he complained of was, that the noble Earl should have laid papers enough upon the Table to create an unjust impression against Prince Leopold, and should have withheld those which were calculated to remove it. Those noble Lords who had such a horror of *ex-parte* statements, when made by Prince Leopold, appeared to have no horror of *ex-parte* statements when made against him. It appeared to him (Lord Holland) to be essentially necessary that the House should be put in possession of all these documents. He did not intend to express any opinion upon them at present,—indeed he had formed none,—for he had not even read the voluminous papers already presented to their Lordships. He must say, that the noble Lord at the head of the Board of Control was much mistaken if he supposed, because this conversation had occurred about the omission of papers relating to Prince Leopold, that noble Lords on his (Lord Holland's) side of the House intended only to discuss the personal objections of Prince Leopold, and not the conduct of the Government, over which the noble Lord had hung a panoply which he considered spotless. He could assure the noble Lord that he was mistaken if he supposed that the conduct of Government was to pass off with such impunity. He thought that there never was a government which had placed itself in a situation more ludicrous in the eye of the world, and more injurious to the country, than his Majesty's present Government, not merely on this part, but on every part, of their foreign policy. He knew that the noble Lord (Ellenborough) was fond of discussion; and he could assure him, that before the close of the Session he should have abundant opportunities of showing his ingenuity in defending the conduct of himself and his colleagues upon this particular subject.

Lord *Ellenborough* observed, that the mere fact of the noble Baron's having condemned the conduct of Government without having read the papers in explanation of it, was sufficient to show the fairness with which he would form his opinion upon it after he had perused them.

SUITS IN EQUITY BILL.] The Lord Chancellor having moved according to the Order of the Day the third reading of the Suits in Equity Bill.

Lord *Eldon* begged leave to trouble the House with a few remarks on the subject. It appeared to him that it would be advisable to be more deliberate on the present question, in consideration of the great changes which it was understood were projected in the Administration of Justice in England and Wales. It appeared to be in contemplation to appoint an additional Judge in the Court of King's Bench, an additional Judge in the Court of Common Pleas, and an additional Baron in the Court of Exchequer. Now, he was of opinion, that according to the present constitution of the Court of Chancery, even if the changes to which he alluded were not carried into effect, an additional Judge in the Court of Chancery would not be necessary; but that if they were carried into effect, and there were four Puisne Barons in the Court of the Exchequer, then an additional Judge in the Court of Chancery would be absolutely unnecessary. Having been nearly five-and-twenty years at the head of the Court of Chancery, he had some experience, and might, perhaps, be excused for offering his opinion on the subject. When he had first the honour of a seat on the Woolsack, Appeals were made to the Court of Chancery, on Writs of Error from the Courts of Common Law, and the Chancellor had the benefit of the advice of the Judges. Before the Union with Ireland, the only appeal to the Court of Chancery from Courts of Equity were from Courts of Equity in England: but the Union brought to the Court of Chancery Appeals from Courts of Equity in Ireland. Those appeals came also in the shape which rendered it difficult for an English Chancellor to hear them, unless he had had some previous experience on the subject. In addition to this, there was a great accumulation of appeals to the House of Lords. In the year 1807 or 1808 a change was made in the jurisdiction of Scotland. The Court of Session was divided; which added to the business of the Court of Chancery, as there were then appeals from two Courts of Session instead of one. Now this might be a good provision for the lieges of Scotland, but it was the cause of much delay and inconvenience to the suitors in the English Court of Chancery.—For some years after the appointment of a Vice Chancellor, the appeals from his Court added considerably to the business of the Court of Chancery. There seemed to be a general indisposition at that time to be satisfied with the decisions of the Vice Chancellor; and yet there was no man more eminent for legal knowledge than Sir Thomas Plomer. He was happy to hear, however, that that was not the case at present; and that the indisposition to be satisfied with the decisions of the Vice Chancellor had greatly abated. At the same time it was well known to every intelligent man at the bar, that the appointment of that subordinate Judge had increased the number of appeals made to the Chancellor. What was the judicial constitution of the Court of Chancery at the present moment? The Master of the Rolls now sat five mornings in the week—an arrangement highly advantageous. The Vice Chancellor, he was told, used great despatch in the business of his Court, though he did not use the word despatch in any offensive sense. The Lord Chancellor had the power also to avail himself of a Commission of Assistance, composed of two Masters in Chancery and a Puisne Baron of the Exchequer. Lord Thurlow had called in the aid of such a commission. Although the Masters in Chancery were not treated as high judicial characters, yet it was well known they disposed of more important questions in the course of the year than any of the Puisne Barons. In his opinion, therefore, with reference to all these considerations, notwithstanding the increase of business, he thought the Court of Chancery might go on very well without an additional Judge. In his humble opinion also, if a fourth Puisne Judge were appointed in the Court of Exchequer, he ought to be a man conversant, not merely with Common Law, but with Equity; in order that he might decide in what was called the outer Court, in cases not between King and subject, but between subject and subject. The history of the Court of Exchequer proved the advantages which would result from such a measure; and it would render still less necessary the appointment of an additional Judge in the Court of Chancery. The popular notion he believed was, that by the new measure, the Court of Exchequer would take an equal share of business with the Court of King's Bench and Common Pleas, but that he was afraid would not come to pass, till long after he had departed out of the world. At the same time the reformation of that Court would render the appointment of another Equity Judge less necessary. He would not say, that he finally objected to that appointment; but he thought the appointment, when it was not yet decided whether there should be nine or twelve Puisne Judges in other courts, premature: and for that reason he should move, as an Amendment that the Bill be read a third time on that day fortnight.

The *Lord Chancellor* regretted that the noble and learned Lord had not been able to attend when this Bill had been read a first time, nor at any of its subsequent stages, and that the statement of his objections to it had been reserved until it had reached its present and last stage. When he introduced the Bill, he took occasion to state, minutely and in detail, the grounds upon which he proposed the measure, and he was sorry that in consequence of the course taken by the noble and learned Lord, it was necessary for him to trouble them with a short recapitulation of the reasons which, in his opinion, justified the introduction of this measure again this Session, after a corresponding measure had already met with the sanction of their Lordships in the last Session of Parliament. The noble and learned Lord then gave a general recapitulation of the grounds which he had formerly mentioned in proof of the necessity of a measure of this description. He was ready to acknowledge that there was no individual in the country to whose authority in all matters connected with the Courts of Equity, he would so readily defer as to that of the noble and learned Lord, but he must say, that his objection to the present Bill seemed not based upon any solid foundation whatever. For 200 years before the noble Lord held the Great Seal, constant complaints had been made of the delay of hearing cases in the Court of Chancery; and while the noble and learned Lord himself sat in the Court of Chancery, without any blame being attributable to him, these complaints were loud and frequent. He was sure that no man who was acquainted with the administration of justice in Equity would consider the Court of Chancery, as at present constituted, adequate for that purpose. The returns which he had procured to be made of the arrear of business, were quite sufficient to prove that fact. As an instance of the delay in hearing cases, the noble Lord mentioned a case which commenced in 1812—a case in which there was no evidence, but only a bill and an answer. It first came before Sir Thomas Plomer: it was afterwards successively before the late Lord Gifford, and the present Master of the Rolls; and for the fourth time, it was heard before him (the Lord Chancellor) who finally decided it, after eighteen years had been employed in hearing it. It was time to put an end to such a system, and to afford to the people of this country an opportunity of having their cases heard when they were ready for hearing. Another instance had lately occurred, which he would mention. While he was sitting in their Lordships' House the other day, he received a letter from a young man on the banks of the Mississippi, which stated that thirty-three years ago the writer's father came over to this country to recover a legacy to which he was indisputably entitled. The executor, for his own protection, applied to the Court of Chancery; an amicable suit (as it was called) was instituted, and at the end of seven years the father quitted this country, the suit having then had no result. On his return to America he married; the writer of the letter was born, the father died, and the son wrote to know whether he had now any chance of getting the money to which he was indisputably entitled. Such instances he was afraid might again occur, unless our system was improved, and if the noble and learned Lord objected to the present measure for the purpose of improving the Courts of Equity, he was bound to suggest a better remedy.—His noble friend had recommended a Commission of Assiſtance for the Chancellor; but as that Commission must be composed of a Common-law Judge and two Masters in Chancery, the Court of Common-law would suffer from the loss of his services, and the Chief Justice of the Court of King's Bench had that day told him (the Chancellor) that that Court had no hope of getting through its business. The Common Pleas could not do more than it now did, and the only hope was in new modifying the Court of Exchequer, by completing it as a Court of Common-law, and separating Equity business from it. The addition of another Judge to the Court of Equity, the measure he now proposed with regard to the Master's Office, and the new regulations regarding the Registrars, were the only things he at present saw capable of relieving the country from the evils of the existing system. He had proposed them in accordance with the Commissioners' Report, and he trusted the House would adopt them.

The Earl of *Eldon* explained, and added that he understood the opinion of the Vice-Chancellor to be, that no new Judge was necessary in Equity.

The *Lord Chancellor* said, that it was very strange that the Vice-Chancellor should have expressed such an opinion without intimating it to him. When the Vice-Chancellor was before the Commissioners, he was asked whether three Judges were sufficient for performing the business of the Court of Equity? His answer, now existing in his own handwriting, was, "Not three angels."

The Earl of *Eldon* answered, that he had received a letter from the Master of the Rolls, stating that he and the Vice-Chancellor thought a new Judge in Equity was not necessary.

Their Lordships divided on the amendment that the Bill be read a third time that day fortnight:—Contents 4; Not-Contents 11; — Majority against Lord Eldon's Amendment 7.

HOUSE OF COMMONS,

Wednesday, May 26.

MINUTES.] The Four-per-Cent Dissentients Bill was read a third time and passed,

Petitions presented. For a protecting Duty on the Importation of Foreign Lead, by Lord W. POWLETT, from Stanhope, Wolsingham, Dufton, Hilton, and Merton:—By Sir E. LLOYD, from the Miners of the County of Flint. For Measures to give Security to Ireland, by Mr. G. MOORE, from Sir Harcourt Lees. Against the Scotch and Irish Paupers Removal Bill, by Mr. C. CALVERT, from the Overseers of St. Saviour, Southwark:—By Mr. DENISON, from the Overseers of St. Mary, Newington:—By Mr. BYNG, from St. Leonard, Shoreditch. Against the Select Vestries Bill, by Mr. BYNG, from the Inhabitants of Paddington. Against Poor-Laws for Ireland, by Colonel BERNARD, from the Freeholders of King's County. For a revision of the Friendly Societies Act, by Sir W. GUISE, from John Garlick Ball. Against an increase of Stamp Duties (Ireland), by Colonel BRUEN, from Carlow. Against the increase of Duty on Corn Spirits, by Mr. R. GRANT, from the Freeholders of the County of Elgin; and from the same Persons, against the Inventory Duty. Against the Administration of Justice Bill, by Mr. E. DAVENPORT, from the Freeholders of the County Palatine of Chester; and from the Inhabitants of Sandback. For the Abolition of the Punishment of Death in cases of Forgery, by Mr. LAWLEY, from the Inhabitants of Rugby. By Mr. C. W. WYNN, from Mr. Dixon, of Dumbarton, complaining of the Votes of the Committee of the House of Commons, on the Clyde Navigation Bill, and praying that the matter might be referred to a Select Committee of Seven Members of the House, agreeable to a Standing Order lately made by the House.

Returns ordered. On the Motion of Mr. BROWNLOW, amount of Duties collected on Glass in Ireland during the last Ten Years:—On the Motion of Sir M. S. STEWART, Copies of all Acts of Sederunt, regulating the Fees of the Writers to the Signet (Scotland):—On the Motion of Mr. HUME, the Number of Persons convicted of Forgery in Scotland, from 1791 to 1829:—On the Motion of Mr. KENNEDY, the number of Causes decided in the different Sheriffs' Courts (Scotland), since the passing of the 6th of Geo. IV.:—On the Motion of Mr. LAWLEY, expense incurred by the Manufactory of Small Arms at Enfield, including Pensions, &c. since Jan. 1st, 1812.

LIABILITIES OF STAGE COACH PROPRIETORS.] Sir *T. D. Acland* moved for leave to bring in a Bill to protect Stage Coach Proprietors from their present liabilities in respect of Parcels sent by their Coaches, where undue concealment was practised by the parties sending them. He was willing that they should be made generally liable in all cases to the amount of 20*l.* without special notice. Wherever the value was above 20*l.* the burthen of giving notice should rest upon the parties sending the parcel.

Motion, after a few words from Sir T. Freemantle and Mr. N. Calvert, agreed to.

PAUPERS (SCOTCH AND IRISH) REMOVAL BILL.] Lord *Stanley* moved the second reading of the Scotch and Irish Pauper's Removal Bill. He merely wished that it should be read a second time, and submitted to a committee up stairs.

Mr. *Sturges Bourne* did not mean to oppose the Motion, but he had an objection to one of the clauses of the Bill. He confessed he felt some surprise that such a Bill should have been brought forward in the absence of the Secretary for the Home Department. It made an important alteration in the law, and ought to receive the most mature consideration.

Mr. *Hobhouse* said, that the principle of the Bill was monstrous, and he was quite certain that it could not pass in its present form.

Mr. Alderman *Wood* said, that when those poor persons came to the parishes they must be relieved. Now the effect of this Bill would be to refuse them relief, and therefore, against such a Bill he conceived that every sort of opposition was perfectly fair. He had presented several petitions against it, and was resolved to divide the House rather than allow it to pass.

Mr. *Denison* said, he also had presented petitions against the Bill, and he hoped the worthy Alderman would take the sense of the House upon it.

Mr. *N. Calvert* said, that in the parishes with which he was more immediately connected, they were often put to an expense of several hundreds a year for the removal of these paupers. He did not think the Bill so objectionable as his hon. friends did.

Mr. *Littleton* saw no reason why the more distant counties should not have the benefit of the Act—the Bill ought to place all upon the same footing of equality. Perhaps it might be found advantageous to try the experiment of leaving those paupers without any parish relief; if due notice of such a system were given, it would be found that their numbers would materially diminish. The expense of passing these paupers, which fell on the midland counties, was enormous and could not be borne, particularly as those counties derived no benefit from their labour.

Mr. *James Grattan* thought, that if a sufficient provision were made for the Irish poor in Ireland, such a Bill as the present would be unnecessary—it was in effect a Bill to deprive England of the benefits of Irish labour.

Mr. *Estcourt* understood the object of the noble Lord to be, to have the Bill read a second time and submit it to a committee, for the purpose of seeing if any measure of relief could be devised. So far he meant to support the Motion.

Sir *E. Knatchbull* anticipated, that in the course of next Session some provision would be made for the Irish poor, but he thought that the present Bill would have the effect of imposing a heavy burthen upon one part of the country at the expense of another; it might be as well to wait and see what measure the necessities of Ireland call into existence.

Sir *T. Freemantle* opposed the waiting. Even if they did wait, the counties still might be left without relief.

Mr. *Byng* said, that he looked upon the Bill as so injurious to the metropolis that he should vote against it.

Sir *John Wrottesley* thought it a very fair proposal of his noble friend, that the Bill should be referred to a Select Committee. That would pledge the House to nothing further than an examination of the Bill.

Colonel *Wood* was convinced, that the large populous parishes of Middlesex had very unnecessarily taken alarm at the Bill; and if it were sent to a committee it might be shown that no such evil would accrue.

Sir *R. Inglis* supported the Motion. The principle of the Bill might be hereafter discussed should the Select Committee recommend it.

Mr. *Maxwell* said, that though he would not refuse to give his consent to the second reading, yet he was desirous that it should have reference to the kingdom at large rather than to any particular parts.

Mr. *A. Dawson* said, that they ought to inquire into the cause of the evil: that cause was the want of employment; and by finding employment for the people the evil would be removed. He therefore wished that country gentlemen would give their support to Government making grants in Scotland and Ireland for the purpose of employing the poor.

Sir *C. Burrell* found fault with his brother Magistrates for not putting the Vagrant Act in force; he contended that sending vagrants to the House of Correction, especially in cold weather, was no punishment at all. A little timely rigour sometimes made the blind see, and the lame walk.

Mr. Alderman Wood persisted in dividing the House, but there not being forty Members present, the House was counted out.

HOUSE OF LORDS,

Thursday, May 27.

MINUTES.] Petitions presented. By the Duke of BUCCLEUCH, from Dumfries, against the proposed increase of Duty on British Spirits. By Earl FITZWILLIAM, from certain Dissenters in Yorkshire, against Slavery. By the Marquis of BUTE, from Stroud, against the renewal of the East India Company's Charter:—By the Marquis of CAMDEN, a similar petition, from Otley. By the Marquis of LANSDOWN, from Rugby, against the Punishment of Death for Forgery.

BIRMINGHAM GRAMMAR SCHOOL.] Earl *Grey* presented a Petition from the inhabitants of Birmingham, complaining of a clause in the Birmingham Free School Bill, altering the principles on which the School was governed, which before was open to Dissenters; and which prevented Dissenters from being governors of this School. This was most unadvised, he thought, in the present temper of mankind.

The Bishop of *Lichfield and Coventry* only had to request, that noble Lords would suspend their judgment till the whole case was before them; of the gentlemen who had promoted the Bill, he could assure their Lordships there was a complete justification.

The Earl of *Eldon* explained, that the clause in question formed part of the scheme for the government of the School, submitted to the Lord Chancellor, by whom it was referred to the Master, and afterwards confirmed by the Court. He did not advocate the continuance of the clause; but he was afraid that it could not be altered without affronting the first law authority. He would beg leave to suggest to the Lord Chancellor, to withdraw the committee, by which the difficulty he felt on the subject would be obviated.

The *Lord Chancellor* said, that he had no doubt that when he came to consider the Bill, he should adopt the suggestion of the noble Lord. That noble Lord had correctly explained the origin of the clause, and he had confirmed the Master's report as a matter of course.

Lord *Holland* expressed his satisfaction at perceiving a general inclination to alter the clause complained of.

Lord *Calthorpe* said, that the Dissenters had done no more than assert their just rights on the present occasion. An attempt had been made to take advantage of the feeling excited on the subject, to turn it to party purposes, which was effectually resisted by the Dissenters.

HIS MAJESTY'S SIGN-MANUAL BILL.] The Lord Chancellor moved that the Standing Orders Nos. 26 and 175 be suspended. Ordered.

The Lord Chancellor moved that his Majesty's Signature Bill be read a second time.

The Earl of *Winchilsea* assured their Lordships that when he entered the House that evening he had not the slightest intention of trespassing upon their notice. But entertaining, as he did, a strong opinion of the importance of the Bill, and of the prejudicial consequences to the best interests of the country which might ultimately arise from it, he felt himself compelled to crave the attention of their Lordships whilst he made two or three observations upon it. Most fully did he participate in the heartfelt anguish which pervaded the breast of every one of their Lordships, and the heart of every loyal man in the kingdom, on hearing the painful communication of Monday last, which had led to the measure on which their Lordships were then assembled to deliberate. Most sincerely and solemnly did he hope, that through the blessing of Divine Providence his Majesty would soon be restored to health and to the performance of those functions which the House was now going to delegate to others, and that this Bill, which was to sanction such delegation, would be of short, very short duration. He could assure their Lordships, that if he had consulted his private feelings, he should not have obtruded himself upon their attention at present,—for he felt the delicacy of the subject on which he had to speak, and he trusted that no word would fall on this occasion from his mouth which could be justly charged with a want of that feeling. He looked upon this Bill in two distinct points of view,—the first, as giving relief to his Majesty, and the second, as establishing a precedent in future ages for the House to act on, in case their Lordships should ever be placed again in such a painful situation as the present. He could with sincerity say, that when he looked at this Bill in the first point of view, he had no observation to make upon it: for there was no individual more anxious to give relief in such a manner as would be most grateful to the Sovereign than the humble individual who was then addressing them. It was, however, in the second point of view that he now felt himself called upon to look at this Bill. As to its enactments, he had no objection to make against them; on the contrary, he should give them his cordial support. He regretted that this Bill had not been accompanied with some evidence from the medical attendants of his Majesty, stating the nature and character of the disorder under which he laboured. He was satisfied that his Majesty was suffering under sickness of no ordinary kind; but he could have wished to have had evidence going at least to this extent,—he meant attested evidence, signed by his Majesty's medical attendants, stating that his Majesty's painful sufferings were not of a description likely to impair the full powers of his mind. An application like the present might be made to their Lordships under circumstances of a very different nature from those which now existed; and he would ask them whether, if the powers of this Bill were given to a Minister who was inclined to abuse them, not only to subvert the rights of the Monarch himself, but also to prejudice the best interests of the country, they would not be sorry that they had established such a precedent as this Bill would afford such a Minister, without any examination into the character and extent of the disease of the Sovereign. He contended that their Lordships, looking at this Bill in that point of view, ought to pause before they consented to pass it. He repeated, that if he looked at the relief which the Bill was calculated to afford to his Majesty, he had no objection to make to it; but their Lordships knew not whether days might not come, in which a Minister, inclined to trample on the best interests of the country, might not abuse its powers to the consummation of some atrocious designs. All he hoped at present was, that this Bill would be brought again under the consideration of the House before the close of this Session of Parliament; and that if it were to be continued in existence till the next Session, some evidence as to the indisposition of his Majesty would be laid upon the Table, as the basis for their legislation. He trusted that in the observations which he had made, nothing had fallen from him which could be charged with a want of respect to his Majesty; if any thing could be so charged, he wished it unsaid; for nothing was further from his intention than to be wanting in delicacy to the feelings of his beloved and afflicted Sovereign.

The Duke of *Wellington* confessed, that he felt great astonishment at the objection which the noble Earl had just taken to the measure proposed by his noble and learned friend on the Woolsack. His Majesty had now been afflicted by a severe disorder for more than six weeks. During that time he had been attended by some of the most able, learned, and experienced persons in the medical profession, who, as far as their knowledge permitted, had stated the nature of his Majesty's disorder; and there had not been the least hint given by or through them, of that additional misfortune to which the noble Earl had just alluded. His Majesty himself, under his Royal sign manual, had stated to their Lordships, that he desired them to consider of the indisposition under which he laboured, and of the best mode of giving him relief, in order that he might still carry on the public service. The Minister who upon that occasion had taken his Majesty's pleasure and sign manual—and he left it to the noble and learned Lord opposite to say whether he was right or not—was responsible to the House and to the country, that the indisposition to which the noble Earl alluded had no existence whatever at the time when he had the honour of taking his Majesty's commands regarding the late Royal communication. Under these circumstances, he was astonished that the noble Earl should even hint such a subject to the House and to the country. His Majesty had asked their Lordships to grant him relief. "We, His Majesty's servants," continued the noble Duke, "propose to your Lordships a measure guarded in every way which man can suggest, and fenced round with such securities as render it in our opinion impossible to be abused; and then the noble Earl comes forward and says, that it may be abused in other times by other ministers in a mode in which, if it be possible, all concerned, his Majesty's physicians, as well as his Majesty's Ministers, would be guilty of a most gross dereliction of duty. Under these circumstances I trust that your Lordships will excuse me if, feeling warmly, I also speak warmly upon this subject. I do trust that the noble Earl will withdraw his objection."

The Earl of *Winchilsea* appealed to the House whether he had used any such expressions as the noble Duke had just attributed to him. The noble Duke had entirely misunderstood him: he never could have expressed, for he had never entertained, any doubt as to the vigour of the Royal mind; and he should be extremely sorry if an impression that he had either expressed or entertained such doubt, should remain upon their Lordships' minds. All he had meant to state was this,—and here he would just observe in passing, that he differed entirely from the noble Duke as to the fact of the medical attendants having told the public the character of his Majesty's disorder,—all he meant to state, he repeated, was this,—that this Bill was establishing a precedent for putting great power into the hands of individuals without any evidence having been produced at their bar as to the nature and extent of the indisposition of the Sovereign. He thought that such a proceeding was fraught with danger, for if a future Minister were to come down to the House, praying it to pass a similar bill under an indisposition of a different character from the present, on the part of the Monarch, and should state that their Lordships had granted the relief now asked for without any inquiry as to the necessity of granting it, this proceeding might prove prejudicial to the best interests of the country.

The Marquis of *Lansdown* said, that though he had listened with the greatest care and attention to the observations which had fallen from the noble Earl, he had not collected from them that the noble Earl either meant to make, or had made, that allusion which the noble Duke, under an unintentional mistake, had supposed him to have made. What he understood the noble Earl to say was this:—"that it might have been desirable for their Lordships to have taken means to inform themselves upon the facts on which they were going to pass so important an act of the legislature." Now if he understood that this bill was to continue in its present shape, to confer such authority as it now conferred, and for such a length of time as after the commencement of the next Session of Parliament, he should conceive it to be indispensable not to pass such an act on the responsibility of Ministers, without having the best evidence produced at their bar as to the grounds of the proceeding. But understanding it to be the intention of the noble and learned Lord on the Woolsack so to amend this Bill in the committee as to ensure to the House the means of reconsidering it before the termination of the Session, he was content to proceed to pass this act for a limited time upon the responsibility of Ministers. He said expressly "upon the responsibility of Ministers;" for he knew of no grounds at present except that responsibility on which their Lordships could act; for when the noble Duke alluded to the communications which had been made to the public by certain able and experienced members of the medical profession, he was sure that the noble Duke did not mean to say that those communications afforded any other grounds to the House than those which the House was bound to dismiss from its consideration at once, when proceeding to legislate upon so important a point as the present. He was confident that their Lordships felt with him, that they were proceeding to legislate upon the responsibility of Ministers alone. On that responsibility their Lordships, or at least he as one of their Lordships, was contented to proceed at present; but if, before the end of the present Session, the House should be called upon to re-enact the provisions of this important act, which from being re-enacted would throw an increased responsibility upon Ministers, then he should be prepared to say with the noble Earl, that their Lordships ought not to proceed to grant an extension of these powers for an indefinite period, without resorting to the usual practice of the constitution, from which they were at present deviating—he meant to an examination of witnesses at their bar. With the amendments which were to be introduced into the Bill in the committee, and which were important both in point of form and of substance, he for one was ready to take this Bill, stating at the same time his conviction, that it was on the part of Ministers nothing more than was necessary to meet the unfortunate emergency which rendered it necessary.

Bill read a second time, and committed. Several verbal amendments were made to it in the committee, which were unintelligible at the bar of the House, from the low conversational tones in which they were communicated across the table by the Lord Chancellor to Earl Grey, the Earl of Eldon, and the Marquis of Lansdown, who seemed to take the greatest interest in them.

On the first clause being read, the Duke of Newcastle having stated that he understood it to be productive of great inconvenience to his Majesty at present to hold any conversation,

The *Lord Chancellor* interrupted his observations, to remark that his noble friend near him (the duke of Wellington), had had a conversation with his Majesty yesterday, for a considerable time, and could inform their Lordships that his Majesty had suffered no inconvenience in sustaining his share of it.

On the clause authorising his Majesty to appoint one or more persons to affix in his presence, and by his command, the royal signature to public instruments,

Earl *Grey* was understood to suggest that a party of rank and station in the country, for instance a member of the privy council, should be appointed to affix the royal signature.

The *Lord Chancellor* contended that such a provision was unnecessary. It was already provided that the person affixing the royal signature to any document, must affix it in his Majesty's presence, and by his Majesty's command: and that before he affixed it, there must be endorsed on the document a memorandum, describing its nature and object, signed by three members of the Cabinet. These provisions rendered it, in his opinion, unnecessary to appoint any fixed person to apply the stamp.

Earl *Grey* contended that a person of rank and station ought to perform this important duty. As the Bill was at present worded, it might be performed by a mere domestic.

The Earl of *Eldon* concurred in the noble Earl's opinion. The fixing the stamp ought to be done by some distinguished and responsible person.

The *Lord Chancellor* observed, that from what had just fallen from the noble and learned Lord, it was quite evident that he had not read this Bill with his usual attention, else he would have perceived that the stamp could not be affixed without a memorandum in writing previously endorsed thereon by three members of the Cabinet. If he looked to a subsequent clause, he would also find that it could only be affixed in the presence of certain high officers of state, who were there named, and were ordered to attest it. Three privy councillors must give authority to affixing the signature, and one at least must be present to attest it.

Earl Grey declined to press his suggestion.

The *Lord Chancellor*, in the clause providing, that "the person affixing the Royal Signature, shall subjoin thereto the words following, that is to say, 'In his Majesty's presence and by his Majesty's command,' and subscribe the same with his own name," proposed to add after the words "by his Majesty's command," the following, "given by word of mouth." This amendment had been suggested to him by the noble Earl (Grey) opposite, and he saw no objection to it. The object of it was to prevent any mistake occurring as to his Majesty's assent having been given by a motion of the head, hand, or otherwise.

Amendment agreed to.

Earl *Grey* suggested that there should be endorsed on each document, to which the royal stamp should be affixed, a memorandum, signed by three members of the Cabinet, stating that the nature and object of each document had been separately explained to his Majesty.

The *Lord Chancellor* conceived this amendment to be unnecessary, on account of the securities which were already provided in the Bill for preventing any improper use of the royal signature. Besides, there were different modes in which the nature of the document might be explained to his Majesty. It might be read over to his Majesty by one of his attendants, or his Majesty might read it over himself, or might be made acquainted with its contents by an abstract of them, or by conversation respecting them, or in various modes unnecessary for him to mention further. It would be indispensable, if this amendment were persisted in, for the noble Earl to state which of these modes of explanation he should consider sufficient for the purpose which he had in view.

The Earl of *Malmesbury* thought this amendment not required, now that it was rendered necessary for the person affixing the signature to receive his Majesty's command to do so, not by his mere assent, but by word of mouth. He rejoiced that this Bill was to be of short duration, and contended that on that account it could never prove prejudicial as a precedent. He therefore hoped that the noble Earl would withdraw his amendment.

Earl *Grey* thought that their Lordships could not take too much care when the power of affixing the royal signature to certain documents was thus delegated to subordinate individuals, to provide that his Majesty should clearly understand the nature of the documents to which he was to command his stamp to be affixed. Therefore it was, that he had proposed that a memorandum in writing should be endorsed on every document, stating that its nature had been properly explained to his Majesty before he gave a command, even by word of mouth, to any of his personal attendants to affix his signature. In conclusion, the noble Earl intimated his intention to meet the wishes of the House by withdrawing his amendment.

The *Lord Chancellor*, after various verbal amendments had been made on his suggestion, proposed to insert a new clause in the Bill. There was already a clause in it providing that every instrument, previously to its having the royal signature attached to it, should be endorsed with a memorandum in writing describing its nature, and signed by three members of the Cabinet. Now, this clause would be very inconvenient, so far as regarded military commissions, on account of their great numbers. It would consume a great deal of time without any adequate advantage, to have such a memorandum endorsed upon every commission which required the royal signature. He therefore proposed that, in such cases, the memorandum in writing should be endorsed on the commission, and be signed by the Commander-in-chief; and that his signature, instead of that of three Cabinet ministers, should be held sufficient. In order to render this plan the less objectionable, each commission should be sent to the King for approval. At present the list of officers to be appointed was sent to the Commander-in-chief, with the King's sign manual at the top, and also at the bottom of it. The list so transmitted to the Commander-in-chief would have a memorandum endorsed upon it by three Cabinet ministers.

Clause agreed to.

The Earl of *Eldon* proposed some verbal amendments, which were agreed to. He likewise suggested the expediency of enacting, that in cases where the sign manual was affixed to every sheet of the instrument, the affixing of the royal signature by the King's command in any one sheet should be held sufficient.

The *Lord Chancellor* thought that such a clause was unnecessary, as it was intended to affix the royal signature by this Bill in all cases where the sign-manual was now required. He intended to alter the last clause of the Bill, as it was now printed. That clause provided that this act should continue in force until the expiration of one month after the meeting of the next Session of Parliament; but it was now his intention to propose to limit the duration of it to the present Session; so that if the illness of his Majesty should continue, it would be necessary for Ministers to make a fresh application to Parliament during the present Session for a prolongation of the powers given by this act, and if it ceased before that time, the act would expire of itself and become unnecessary.

Earl *Grey* said, that though he had expected that a shorter period would have been named for the duration of the Bill, he had no objection to extend it to the time now proposed.

Clause agreed to. The House resumed; and on the report being received, was adjourned during pleasure.

At twenty minutes after seven o'clock the Bill was returned engrossed; and upon the motion of Viscount Melville, it was read a third time and passed.

The Bill was sent to the Commons by two judges (Parke and Gaselee).

The House proceeded with the examination of witnesses on the East Retford case.

HOUSE OF COMMONS,

Thursday, May 27.

MINUTES.] The CHANCELLOR of the EXCHEQUER brought in a Bill to amend the Church Building Act.

Petitions presented. Against the Parish Vestries Bill, by General GASCOYNE, from the Corporation of Liverpool:—By Mr. CAPEL, from the Governors and Guardians of the Foundling Hospital. Against the Sale of Beer Bill, by Mr. MONCK, from a Publican of London. Against the Scotch and Irish Paupers Removal Bill, by Mr. Alderman WOOD, from the Overseers of Christ Church, Surrey. Against the renewal of the East India Company's Charter, by Lord EBRINGTON, from Cornworthy and Harburton. Against the Duty on Coals carried Coastwise, by the same noble Lord, from Pilton. For the repeal of the Select Vestries and Sub-letting Acts Ireland, by Mr. O'CONNELL, from several Parishes in the County of Cork. Against the increase of Stamp Duties (Ireland), by the same hon. Member, from the Proprietors of the Dublin Morning and Weekly Registers:—By Sir J. NEWPORT, from the Inhabitants of Glanmore. For a repeal of the Union with Ireland, by Mr. O'CONNELL, from Shacroom, Ahinia, and other places. For the Abolition of Slavery, by Lord MILTON, from Protestant Dissenters at Bawtry. And for an increased Duty on Foreign Flour, by Mr. POTTER MACQUEEN, from the Millers and Farmers of Bedfordshire.

OFFICE OF REGISTRAR OF DEEDS, (IRELAND.)] Sir *John Newport*, seeing the right hon. Secretary of State (Sir Robert Peel) in his place, wished to draw his attention to a recent occurrence of public interest. By the death of Lord Kilwarden the office of Registrar of Deeds in Ireland had become vacant. He (Sir John Newport) considered the present a very fit opportunity for the Government to show its disposition for retrenchment, by abolishing the office of Registrar altogether, as it was a mere sinecure, and there could not be any noise about vested interests, which were now extinct. He wished to see the regulation of these offices on the same footing throughout the United Kingdom, and he considered that the excellent regulations adopted in the Register Office in Scotland afforded an example worthy to be followed. He therefore hoped that the Government would pause before it filled up the appointment; and, if it really were intended to continue it, that the House would previously have the opportunity of expressing its opinions on the expediency of its continuance.

Mr. *O'Connell* condemned the present regulations of the Irish Register Office, and stated that since the passing of the new Act more expense was incurred, and confusion created, than formerly.

Sir *R. Peel* stated his impression to be that the sinecure office was already abolished by law, and that there were no vested interests existing. He could assure the hon. Baronet and the House that before the office was filled up ample opportunity should be given for taking the subject under consideration. He felt assured that there was no disposition on the part of the Crown for the continuance of an useless office.

Sir John Newport said a few words in explanation in a low tone of voice, and the conversation dropped.

INTERFERENCE OF THE MILITARY AT RYE.] Colonel *Evans* presented a Petition from certain inhabitants of Rye, complaining of the Interference of a military armed force, under the direction of Herbert Curteis, Esq., on the occasion of a recent disturbance at that place between certain landowners and other persons, relative to the sluices which served to clear the harbour. The hon. Member entered into a detail of the disturbance which took place there on the 26th ultimo., he justified the conduct of the people and considered the interference of the military as illegal.

Mr. *Burrell* maintained, that Mr. Curteis acted with great discretion and firmness. If the rioters had been allowed to proceed with the work of destruction, a great deal of valuable land would have been ruined.

The *Solicitor General* stated the proceedings that took place in the Court of Chancery upon an application about the sluice. There was ultimately a decree of the Court, to the effect that the sluice was a nuisance. It was, however, unjustifiable in the people of Rye to take the law into their own hands. Their going by night to destroy the sluice was, in his opinion, an aggravation of their improper conduct.

Mr. *Hume* found fault with the hurried manner in which the late bill for Rye and other private bills were passed through the House. He could not approve of the conduct of those who proceeded riotously to break down the sluice; but it ought to be considered that they had provocation, seeing that the Court of Chancery did not enforce its own decree, and that the Commissioners disregarded it. That was the state in which the petitioners were. He hoped that the Admiralty, as the general conservator of ports and harbours, would take notice of the case, and would not let the bill pass through Parliament, but would see that the decree of the Court of Chancery was carried into effect.

Sir *Edward Knatchbull* said, that the landholders near Rye had no bad feeling towards that town. There was no opposition made to the bill as it was passing through the committee, and it was known to all parties that application was to be made to Parliament. The hon. Baronet defended the conduct of Mr. Curteis, who acted with promptitude and discretion on the occasion of the riotous proceeding.

Sir *Robert Peel* said, that he would not give any opinion on the question between the people of the town of Rye and the Commissioners. He absented himself from voting on the bill, upon the principle that it was better for a Minister of the Crown not to interfere in giving an opinion on a private bill. The time for making repairs in the sluice would not, by law, expire till 1831, and yet, at ten o'clock at night, about 500 persons, preceded by a band of music, went to level it by force, and so destroyed the communication between Rye and Dover. He felt it his duty to say, that the magistrate (Mr. Herbert Curteis) acted with promptitude and temperance. The men in the Preventive Service were called to assist in putting down the rioters. Rye was not a place from which the Blockade Service could be safely drawn away, and, in order to let them attend to their own duty, he (Sir R. Peel) ordered troops to go in aid of the civil service. There was no alternative but to give protection to property. He hoped the gallant Colonel would interfere with his constituents, and advise them on their conduct in this matter. The Magistrate was perfectly right in preventing the destruction of the sluice by night and by violence.

Sir *Charles Burrell* agreed with what had fallen from the right hon. Gentleman, and bore testimony to the proper conduct of Mr. Curteis.

Mr. *Otway Cave* said, that one reason why there was no opposition to the bill in going through the House was, that there was no Member then in the House to represent the interest of the town of Rye. The Court of Chancery decreed the sluice to be a nuisance, and yet a new bill was brought in, in the face of that decree; by which bill only seven feet of water would be left in the harbour. He was not much surprised, under all the circumstances, that the people took into their own hands the execution of the decree of the Court of Chancery.

Petition brought up and read.

Colonel *Evans* in moving that it be printed, contended that it was a very dangerous precedent to allow the Magistrates to call in the military whenever they thought proper, particularly in those cases where their own pecuniary interests were concerned as in the present instance. Mr. Curteis, the father of the Magistrate, was the owner of 3,000 acres of land in that neighbourhood. No doubt it was very convenient for him to have his land drained, though it might be the ruin of other people. He spoke not from the slightest personal feeling on the question; but he could not help observing that one of the persons, who was himself the most interested in the result, was foremost among the number of those who were most active in furthering the infamous and flagitious bill that was now pending before the other House of Parliament. It appeared that, in consequence of what had already occurred, the public market had been removed from Rye to Winchelsea. The town of Rye had experienced a double grievance; for some time, in the first place, its political privileges had been usurped; and, in the next, its local interests were trafficked away. But the former grievance was now removed, and he sincerely hoped that the latter would very soon be redressed. A proposition had been made to remove the military, upon condition of security being given for the peace of the town. To this he could only reply that the peace of the town had never once been disturbed, and the military were kept there only for the purpose of protecting a public nuisance.

Sir *E. Knatchbull* maintained, that the hon. and gallant Member was misinformed in stating that the market had been removed to Winchelsea, and he explained, that what he said about giving security was, that the troops would be withdrawn whenever security was given that the peace of the town should not be disturbed.

Mr. *Otway Cave* observed, that the great object appeared to be for certain landed proprietors to consult their own immediate interests at the expense of the people and harbour of Rye.

Mr. *Burrell* said, it was quite a mistake to suppose that the landowners in the neighbourhood of Rye desired the ruin of the harbour.

Mr. *Hume* would suggest to the hon. and gallant Member not to press the printing of the Petition, as the subject was now under consideration. At the same time he thought it the duty of the right hon. Secretary of State for the Home Department, to oppose to the utmost extent the

Bill that was in progress through the other House.

Sir *Robert Peel* said, it was no part of his duty to interfere with the progress of any bill that was before the other House of Parliament; neither did he think that he was called upon to interfere officially with private bills in any respect. Presuming even the alleged grievance to exist, he still thought that it ought not to be redressed in a tumultuous manner. If the parties should find that they had a right to abate the nuisance by law, there would be no opposition whatever offered on his part.

Colonel Evans would not press the motion to print the Petition.

Ordered to lie on the Table.

Scotch Judicature.] Mr. Brougham presented a Petition from the incorporated Society of Solicitors of the Consistorial Court of Scotland against the Scotch Judicature Bill.

Mr. *Cutlar Ferguson* briefly supported the prayer of the Petition. The proposed measure would very much increase the expense.

Mr. *John Stewart* said, the provisions of the Bill were very little known in Scotland, and that if they were well known there would be many petitions against it.

Mr. *Brougham* then said, that he had a Petition to present on the same subject from the Dean and Faculty of Advocates of Edinburgh, and he felt highly flattered in having been selected for the purpose of presenting the Petition by so distinguished a body. In the present instance all that the petitioners asked was, that the measure might be allowed to stand over till the next Session, suggesting that all the improvements of which it was susceptible might then be made. They wished not to be understood as being by any means unfavourable to the principle of the Bill, for, on the contrary, they were all, with seven or eight exceptions, most favourable to it—the only thing they desired being some further delay, so that the details might be duly considered.

The *Lord Advocate* felt very happy at seeing such a spirit of honourable independence evinced by the learned body from whom this Petition came, more especially when he considered that one great object of the Bill was to do away with a number of useless places, which the members of that body might be supposed to have an interest still to keep up. As the Jury bill was so soon to expire, he thought it necessary to press the measure without delay.

Mr. *Cutlar Ferguson* could not see that the learned Lord had any occasion to be in a hurry on that account, as the Jury bill would not expire before the end of the next Session.

Sir *C. Forbes* was opposed to the principle of making it obligatory upon Scotch Juries to be unanimous in their verdicts. From the information he had received, he believed that the people of Scotland were by no means favourably disposed to the measure.

Mr. *Kennedy* supported the Bill, and said that much inconvenience would be experienced if it were not carried through as soon as possible.

Sir *R. Peel* said, he felt bound to commend the liberality of the learned professions, not only in this, but in all other instances that had come to his knowledge. There was no error more vulgar than that which would impute interested motives to the members of those professions when the public good was concerned. He was enabled to state from experience that he had received essential assistance from members of the legal and medical profession in some public measures upon which he had consulted them.

Mr. *Brougham* said, he felt pride in bearing testimony to the liberality with which the parties were actuated on the present occasion. Though all their personal interests would be directly injured by the proposed measure, yet they never once suffered their minds to be warped in the conclusion at which they had arrived with regard to it. This was a test to which the members of the legal profession in England had not yet been put, but he hoped that, when they were put to it, they would follow the example of their brethren in Scotland.

Petition to be printed.

Duties on Soap and Candles—(Ireland).] Sir *John Newport*, in rising to move for some Returns relative to the Duties on Soap and Candles, observed, that, under the present state of the law, as the manufacturer of these articles in England was allowed a drawback on exporting them, he was able to undersell the manufacturer in Ireland, after paying the expenses of sending the articles thither, at the rate of twenty per cent. There was one curious and important circumstance connected with this subject, to which he wished particularly to call the attention of the Chancellor of the Exchequer, and it was this:—The duty on the Soap and Candles manufactured was not payable for two months, while the drawback was paid immediately on exportation. The consequence was, that the Soap manufacturers could make their commodity and send it over to Ireland three or four times over, between the payment of the drawback and their being called on to pay the duty. The further consequence was, that the commodity that was sold here for 25*s.* was sold there for 19*s.* The manufacturers were thus actually trading, not on their own capital, but on the public revenue. The right hon. Baronet observed, that formerly a similar trade was carried on with glass. He objected strongly to the continuance of such duties and drawbacks, as tending to encourage fraud. The least scrupulous availed themselves of these loop-holes, and acquired property at the expense of the honest. They evaded the duties, the Revenue suffered, and the fair trader was injured. The right hon. Baronet concluded, by moving for "An Account of the Revenue received on Soap and Candles for each of the five years, ending with the 1st of January last, specifying the rate of the duty in each year, and the amount of the drawback, together with the quantity exported to foreign countries—including Ireland—stating the ports from which they were exported, and also the time between the payment of the Duty, and the re-payment of the Drawback."

The *Chancellor of the Exchequer* said, he meant to offer no opposition to the Motion, and he expressed his cordial concurrence in the principle laid down by the right hon. Baronet. He had long felt the evil of having different duties in the different countries, and he should be glad to see a general scale of duties adapted to all parts of the country. We might then get off drawbacks, and certainly we might get rid of many frauds. Since he had been in office he had endeavoured to equalize the duties, and had carried this object into effect with very beneficial consequences as to glass. He hoped that he should be able to do something of the same kind with other duties.

Mr. *Hume* hoped, that the right hon. Gentleman would carry into effect his views as to Soap and Candles, and at the same time reduce the duty on them. The quantity of smuggling at present carried on in these articles, as he should be able to prove when the motion of the hon. member for Hull came before the House, was enormous. The duties at present amounted to 4½*d.* out of every 6*d.* for which the Soap sold, and it was too bad that the people of this country should have to pay 4½*d.* to the Crown before they could get a pound of Soap.

Motion agreed to.

THE ROYAL SIGN-MANUAL BILL.] A Message was brought down from the Lords, stating that their Lordships had passed a Bill, intitled "An Act to enable his Majesty to appoint certain persons to affix the Royal Signature to instruments requiring such signature," in which they desired the concurrence of the House of Commons.

Sir *R. Peel* said—"Sir, in moving the first reading of a Bill intended to make a temporary provision for enabling his Majesty to affix his Royal Signature to those public instruments which require that formality, I must repeat, in concurrence, I am sure, with the unanimous feeling of the House, and of this nation, my deep regret at the circumstances which have rendered this application to Parliament necessary. It is, as his Majesty has informed the House by his gracious Message, on account of the indisposition under which he is labouring, painful and inconvenient to the King to attach his sign manual to the multitude of official instruments which require the Royal Signature to give them validity. I must at the same time state that, under all circumstances, when application has been made to his Majesty for his signature to any instrument, the completion of which was necessary to the public service, particularly instruments connected with the administration of justice and pardons, when it was thought fit to extend mercy to those who had received a penal sentence; on all such occasions, whatever pain or inconvenience affixing the Signature might have subjected the King to, his Majesty never suffered those considerations to stand in the way of his desire to facilitate the administration of justice, or to exercise his Royal prerogative of mercy, and to forward the due execution of the public service. I am sure that this House is animated by a unanimous desire to spare his Majesty the pain and inconvenience, if measures can be devised to effect that object consistently with the due discharge of the public service. I hope, consistently with that object, and with the prevention of all detriment or fear of injury to the public service, that the measure which is now introduced, is likely to be satisfactory. The present Bill provides that his Majesty may, by his Royal warrant or commission, to be signed with the sign manual, appoint one or more persons to attach a stamp to those instruments which require the Royal Signature. That stamp will be provided under the direction of the Lord President of the Council. There will be two stamps; one of which will bear the words 'George R.,' and the other, 'G. R.,' the initials only, for such instruments as are usually signed in that way. The Bill provides that the persons so empowered to affix this stamp, shall not be authorised to affix it to any instrument without a memorandum, specifying the nature of the instrument, and bearing the signature of at least three out of seven officers of State, who are named to be responsible for its application. Of those seven signatures, three, at least, must be attached to every instrument, as a certificate of its authenticity. The seven persons so appointed are the Lord Chancellor, the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, and the three principal Secretaries of State. There is a provision in the Bill that no one of these seven officers so appointed shall act alone; and, in order to guard against the possibility or the supposition of any possible fraud, an oath is provided by the Bill, to be taken by the parties by whom the stamp is to be affixed. The stamp can only be affixed by the King's express command, and in the presence of his Majesty, and the party affixing it must attest by his own signature, that the stamp has been affixed by his Majesty's express command, and in the presence of his Majesty. These are the conditions which accompany the passing of this Bill. However temporary it may be in its duration—for it is proposed to limit the Bill to the end of this Session—and God grant that it may not be necessary to extend it longer—but in case it should become necessary to continue it for a longer time, then there will be a necessity of bringing the measure again under the consideration of the House; so that every caution possible has been used in this case. It is right that it should be so, because we must bear in mind that we are establishing a precedent which may be appealed to on future occasions. There is one other provision which I omitted to notice—namely, an express enactment that his Majesty may, at any time, attach his sign manual in the ordinary way to any instrument when he sees fit and convenient, and that such signature shall have the ordinary operation, notwithstanding the concurrent power given to attach the Signature in the other manner. His Majesty will, therefore, if he sees fit, exercise his Royal prerogative with his own hand. There have been various instances in the former history of this country, of the Royal Signature being attached in the manner proposed by this Bill. In the reign of Henry 8th more than one commission was issued, empowering persons to apply a stamp, instead of the Royal Signature or initials, and giving it equal validity with the Royal sign manual. In the reign of Queen Mary, also, the same power was given by Royal commission; and it is also recorded, on the authority of Bishop Burnett, that, in the reign of King William, a stamp was applied in a similar manner. But although there exist all these various precedents for devolving to individuals the power of affixing a stamp, by the authority of the sign manual, we have thought it the safer course to apply to Parliament in this way for its sanction. I could enter into a more detailed explanation if it were necessary, but from the circumstances under which this measure is proposed, from its temporary duration, and the caution with which it is surrounded, I should hope that the House will be unanimous in the desire to afford his Majesty this accommodation. It will be felt that it is extremely desirable that the measure should be passed with as little delay as possible, particularly on account of those public instruments which would now be pressing for signature, if it were not for the pain and inconvenience which the operation causes to his Majesty. At the same time I propose, that we should see the provisions of the Bill in print before it is finally carried. I shall move that it should be read a first and second time to-day; it can then be carried through its remaining stages to-morrow, and receive the Royal assent on Saturday."

Lord *Althorp* said, that it must be the wish of every hon. Member present to do whatever was in his power to alleviate the sufferings of his Majesty, under the unfortunate circumstances in which he was placed. The only difficulty in the case was, the necessity of using great caution in establishing a precedent, which might be so important in its consequences. To the statement of the right hon. Baronet, so far as his own opinion went, he saw no objection. He only wished to suggest, whether it would not be proper, before the Bill was finally passed, to have some evidence that his Majesty was in such a state, as to render a measure of this nature necessary. It was to the possible abuse of the precedent hereafter that his hesitation applied. They ought to be particularly cautious to prevent any application of it without a sufficient necessity. He did not mean to object to the reading of the Bill at present, but before it was finally passed he hoped the House would have some proof of its necessity.

Sir *Robert Peel* said, he was sure that when the noble Lord thought of the circumstances under which the Bill was proposed, he would not press his proposition. The House had his Majesty's distinct assurance, in his gracious Message, that he was labouring under indisposition which rendered it painful and inconvenient to sign the various official documents presented for that purpose. He entirely concurred in the opinion that it was necessary to be cautious in a step of this nature; but when the House had the Royal Message, saying that it was painful and inconvenient to his Majesty, he thought it would not be respectful to imply a doubt of the fact.

Lord *Althorp* did not mean to press for any specific information. He merely threw out the suggestion.

Sir *C. Wetherell* said, that there certainly were precedents of kings of this realm having, instead of their own hand-writing, used a stamp, impressed with their own hands; but no cases had occurred, he believed in which the King had issued a commission to authorise persons to sign for him by a stamp. It was necessary to advert to this distinction; if his Majesty used a stamp with his own hands the only difference was between the impression being made with the stamp and with the pen. The physical act was done in either case by the King himself. There was no difference, except that of the physical act being done by means of a stamp or of the King's hand-writing. He had turned his attention a good deal to this subject, and he found that one of the most learned writers and most sagacious antiquaries, (Lord Coke, in his "Institutes,") although he did not quote any one of these cases, in one passage evidently supposed that the Royal Signature could only be done by writing. Lord Coke, in defining the duty of the Clerk to the Signet, said, that it was his office to write out such grants as were passed, superscribed with the Royal Signature or sign manual. The case of Henry the 8th was prior to that time, yet this eminent writer evidently supposed that the Royal Signature must be made by the sign manual in the hand-writing of the King himself. Speaking of the abstract question it was difficult to say that the King's will might not be expressed by George Rex or G. R. yet undoubtedly the more efficient mode was the signature in hand-writing. He must, therefore, deprecate the proposed perversion of the constitutional mode of designating the Royal will by the King's hand-writing, because, if a change were made, unless a person were appointed to keep the stamp, there was no security that it might not be used surreptitiously, which could not be done in the case of hand-writing; surreptitious hand-writing could not be obtained, except by forgery. Undoubtedly a case of necessity would furnish a reason for substituting a stamp for the Royal hand-writing; but he must say that it did not appear to him that the securities proposed in the Bill were securities which would prevent the surreptitious obtaining of the designation of the Royal will by a stamp, as effectually as that object was precluded while the Royal will was designated by hand-writing. There was not in this Bill, as it now stood, any protection against forgery. He thought it would be proper that some provision of this kind should be introduced, because the sign manual was the original authority which put in motion all the subsequent formal acts, which were necessary to give authenticity to public instruments. He thought it would be useful to add a clause to make it forgery to counterfeit the stamp. As far as he could judge of the Bill, all the securities and guards necessary in the substitution of a stamp for the physical hand-writing of the King, were adequate in other respects; yet he thought it would not be improper to have an additional clause, to make it treason to counterfeit the stamp; and when the House should go into a committee on the Bill, he would propose a clause to this effect, "That, if any person or persons shall counterfeit the said stamps, or either of them, or the impression of them upon any warrant, commission, or other instrument, they shall be deemed guilty of high treason, and be punished accordingly." He had abstracted this clause from a Statute of Mary for a similar purpose; and he thought that the substitution of a stamp ought to be accompanied by such a security. But if it were not generally approved of by the House, he had no wish to press it.

Mr. *Bernal* said, that there could be no danger arising from the precedent established in this case. It was admitted that no other measure could have been adopted in the present emergency. With respect to the danger of forgery, he thought that none could arise. As so many safeguards were provided, he could not conceive a scintilla of danger to exist. If he understood the right hon. Gentleman correctly, there must be the indorsements of three out of seven of the Cabinet Ministers, so that it would be necessary to forge not only the impression, but also all these different hand-writings. It could not be denied that the Government had, in this instance, discreetly fulfilled its duty. If the addition of the clause suggested by the hon. and learned Member would not delay the measure, he saw no objection to it; but he hoped that it would not be made the means of any delay of the Bill.

Sir *Robert Peel* said, that he had not thought it necessary to trouble the House with any further details before, but there was a precedent for a commission to authorise a party to attach a stamp, instead of the Royal hand. It was in the reign of Mary, and it was really curious and remarkable how closely the precautions adopted on that occasion coincided with those provided by the present Bill. The precedent had only been discovered yesterday, after this Bill was prepared, and if the House had any curiosity, he would read it. The right hon. Baronet then read an extract from the 5th and 6th of Philip and Mary, which stated, that the Queen, in consequence of the great labour which she sustained in the government and defence of the kingdom, was unable, without much danger and inconvenience, to sign the commissions, warrants, letters, missions, and other papers, and she therefore appointed certain persons therein named, and gave them authority to seal the necessary instruments, instead of the Queen, at her command, and in her presence, and in the presence of the Archbishop of York, the Lord Chancellor, the Master of the Horse, the Chancellor of the Duchy of Lancaster, the Chancellor of the Order of the Garter, and others named therein, or any two of them, and declared that all instruments so signed should be as valid and effectual in law as if they were signed by the hand of the Queen. This precedent had been discovered subsequently to the preparation of the present Bill; but it would be seen, that the precautions taken were the same. Indeed, the Bill went further than the precedent, because (a point which he omitted to mention before) it would be necessary that the instruments should be signed also in the presence of a confidential servant. The question of forgery had been considered; but, as the duration of the Bill was to be so short, and as it was environed with so many cautions, it was thought that forgery would not be possible, because the forgery of the stamp alone would not be sufficient. It would be necessary also to affix the names of all those who attested it. In almost every instrument there would be five signatures. Referring to the Regency Act, he did not find in it any provision making it treason to counterfeit the sign-manual—[Sir C. Wetherell said, he did not desire to persevere in his suggestion]. If it were necessary to continue the present measure after this Session, it would then be right to consider whether it would be desirable to make any additional provision to meet this point. But at present he did not think it was necessary, for the reasons which he had stated, and also as forgery was at all times subject to a high penalty at common law.

Mr. *Lennard* begged merely to observe on the subject of the punishment of the forgery of this stamp as an act of treason, that he hoped the number of treasonable offences would not be extended.

The Bill read a first time.

Sir *R. Vyvyan* expressed a wish that

the Bill should be in the hands of Members as soon as possible, as some alterations might suggest themselves.

Sir *R. Peel* said, that it would be printed by a very early hour in the morning.

Bill read a second time, and Committee appointed for the following day.

ISLAND OF CEYLON.] Mr. *John Stewart,* in moving for a Select Committee to inquire into the Revenue and Expenditure of the Island of Ceylon, said, that he wished to put the House in possession, by that means, of some information in addition to that which had been already afforded it through the Finance Committee. By a Return on the Table of the House, made up to the 1st of December, 1824, it appeared that the debt of the Island of Ceylon of every description, amounted at that period to the sum of 463,201*l.*; while the Sinking Fund intended for its extinction, and which at one time amounted to 176,000*l.*, had been wholly devoted to other purposes. In December of the year 1826, this debt had increased to the sum of 491,000*l.*, without a single shilling being provided for its extinction, and it was still accumulating. At the time the island was in the hands of the Dutch, the whole Civil Establishments were a mere trifle, compared [we believe the hon. Member said 16,000*l.* a-year] with that which they now cost under the present extravagant government, notwithstanding the pressure of this continually increasing debt. In the year 1825, the salary of the Governor was 10,000*l.* a-year; and the civil expenses, including this salary, were 111,340*l.* a-year. This enormous expenditure was coupled with, and supported by a monopoly of trade, which was more vexatious even than the debt and the expenditure, more injurious to the interests of the Island, and more close and annoying than the very worst monopoly ever practised by the East-India Company. The trade in cinnamon, one of the exclusive products of the Island, was a monopoly of the worst description. All cinnamon grown in Ceylon was sent home by the Government, and sold on its account; and every tree which produced it, whether it grew on the side of the highway or in the hedge of a private garden, was claimed as its property. It was to this injurious system of carrying on trade that he wished to direct the attention of the House, particularly as Sir Edward Barnes, in the course of his correspondence, expressly declared that the throwing that trade open would be attended with the greatest benefits to the mother-country, and the colony. He would take the liberty of reading what that officer said in his letter to Lord Bathurst, dated August 18, 1820. "On the great question of the future disposal of the whole of the cinnamon of the island, I must venture to express my full coincidence in your Lordship's opinion, that throwing open the trade in that principal article of export will have most advantageous effects on the general commerce of the island." On the 2nd of November, 1820, Earl Bathurst wrote as follows to Sir Edward Barnes. "Entertaining also the opinion, that it would be most for the advantage of the island to leave the trade in cinnamon, at the expiration of the present contract, open to general competition, it appears to me that the activity and enterprise of individual merchants may find that vent for a greater quantity of the article, without reference to its quality, which has hitherto been wanting; and therefore, although I should be desirous that your attention should be immediately turned to the best means of improving the culture and ameliorating the quality of the cinnamon, yet I cannot recommend any attempt to diminish the growth of that spice, until the experiment shall have been made of the effect of a free trade upon its consumption." Again he wrote to Sir Edward Paget on August 21st, 1821, who was then Governor of the island. "It has been determined that the trade in cinnamon should, like that in other articles, be open to all who are desirous of embarking in it." Notwithstanding all this the cinnamon continued to be a close monopoly, and any one attempting to export or cultivate a pound of it was subject to a heavy penalty. Sir Edward Barnes said, in a letter dated December 27th, 1821. "The culture is completely within the control of the Government, as every tree in the island, whether growing wild or in private grounds, or in the preserved gardens, equally belongs to it; so that, if it became an object to eradicate it partially or in toto, it is perfectly feasible, and within the unshackled power of the Government to do so." Of late years, also, the Colonial Government of Ceylon had been extending its trade. It sent home cocoa-nut oil, and supplied the India squadron with arrack. When he compared the opinions he had just quoted with the restrictions which existed in the island, he was at a loss to conjecture what possible notions of free trade could be entertained by Sir Edw. Barnes or Earl Bathurst. The whole of this subject required revision, and he could not conceive a more likely method to obtain both revision and improvement than to appoint a committee of that House. It was not, however, merely of a monopoly that he complained; the whole of the fiscal regulations of the island were onerous and unnecessarily restrictive. All imports into the colony were taxed to an extent unknown in Madras or Calcutta. All woollen goods paid a duty of nine per cent; cotton goods five per cent, and iron nine per cent, while on the continent they paid little or nothing. On these, and other points of commercial interest, he thought a Select Committee could obtain much useful information. He was not so well acquainted with military affairs as with commercial or civil, but he understood that a large military establishment was kept up as a great burthen on the colony, while large sums for staff appointments and other purposes were also voted by the mother-country in that House, and that too for an extent of force totally disproportioned to the wants of the colony. The island was much more salubrious than any part of the continent of India. All who were acquainted with it pronounced it one of the finest climates in the world. Coffee grew wild in the fields; every article of necessity and luxury was to be had in abundance; and yet all these advantages were lost by a bad administration of its resources. He had always, indeed, been of opinion, that a military officer made a bad Governor for a commercial colony, and it was the lot of Ceylon to have had no other governors than military men. Alluding to another branch of the subject—the administration of justice, he was bound to say that it was very defective, and it could never be better till the courts were made independent of the local government. Sir Alexander Johnston had recommended the gradual abolition of the provincial courts, in which it now sometimes happened, that the Judge was also the suitor. It was a remarkable exception to the ordinary independence of Judges, that the Governor of Ceylon had the power to suspend the execution of an order of the highest court of justice. Every thing like the independence of the Judges was therefore quite beside the question; for it was in the power of the Governor to suspend the order of the Judge, or set it aside altogether. There was a remarkable instance of this in the time of General Campbell. A vessel had arrived at Columbo, in 1824, in which a person named Rosier was found, and apprehended as a deserter from the East-India Company. He applied for a writ of habeas corpus, which was granted him; but the Governor, through the Attorney-General, denied the right of the Court to issue such a writ in opposition to the order of the Governor, and on the Court persisting, the Governor resorted to his arbitrary legislative power, and declared that no such writ should in future be issued in opposition to his order. The Court was bound to obey this order, and the conclusion of the learned Judge's speech, in discharging the writ, was so remarkable that he should beg leave to read it to the House. Sir Harding Giffard said, "It is not that such a regulation impends over me as well as every other subject on the island—it is not from the possible case of a bad Governor, though a tremendous use might be made of this power, that I abstain from making any observation. I trust, that if personal danger only were to be encountered, I should not fail in my duty, but it is because I bow to the authority of my Sovereign; thus, as I trust, temporarily exercised by his delegate, that I say this return is supported by the regulation; that this regulation is the law of Ceylon; and that we have no right to inquire why this British subject is deprived of his liberty; and that the Court is reduced to the heart-breaking necessity of saying that his Majesty's writ of habeas corpus is of no effect." He must state that the King disapproved of the Governor's conduct, and directed the regulation to be cancelled. The means also of extending colonization, and giving the trial by jury to the Kandian provinces, which had already been introduced into the island with the happiest effects by Sir Alexander Johnston, would be important subjects for the Committee to investigate. For the last twenty years the island had been open to all persons to settle there, and the Government had offered grants of land on advantageous terms to settlers. The proclamation published in July 1812, said, among other things, "His Excellency is pleased hereby to publish the rules and conditions by which the grants will be regulated, in pursuance of instructions received from his Majesty's Ministers on this subject. Grants in perpetuity will be given to his Majesty's European subjects, and also to such Europeans, or their descendants, as were settled in Ceylon before the conquest of it by his Majesty, and who, by their good conduct since, may have entitled themselves to that indulgence. The quantity of land so granted will not exceed 4,000 acres to any one individual. Such lands will be held free of all duty to Government, for a period not exceeding ten, or less than five years." But, notwithstanding that encouragement, notwithstanding the fertility of the soil, notwithstanding the salubrity of the climate, the monopoly to which he had already alluded, and the want of a proper administration of justice, had deterred persons from availing themselves of the advantage which settlers would unquestionably enjoy. The inquiry which he recommended would therefore conduce to the attainment of two desirable objects;—a reform in the administration of justice in the island, and the establishment of the best means of further colonization. That the inhabitants of Ceylon were perfectly prepared to give efficiency to any measures calculated to improve the condition of the settlement, was evident from various occurrences, to two of which he would allude—he meant religious toleration, and the abolition of slavery. The Catholics were emancipated in Ceylon before they were emancipated in Great Britain, and the abolition of slavery was the spontaneous act of the slave proprietors. In 1806, at the suggestion of Sir Alexander Johnston, Sir Thomas Maitland, who was then Governor of the island, passed a legislative act in favour of the Catholics, who were before subject to a rigorous exclusion. It was published in May of that year, and as it was short he would read it to the House. "The Governor in Council enacts as follows:—1st. The Roman Catholics shall be allowed the unmolested profession and exercise of their religion in every part of the British settlements on the island of Ceylon. 2nd. They shall be admitted to all civil privileges and capacities. 3rd. All marriages between Roman Catholics which have taken place within the said settlements, since the 26th of August 1795, according to the rites of the Roman Catholic Church, shall be deemed valid in law, although the forms appointed by the late Dutch Government, have not been observed. 4th. This regulation shall take effect on the 4th day of June next, that day being his Majesty's birth-day. 5th. Every part of any law, proclamation, or order, which contradicts this regulation, is hereby repealed.

"By order of the Council," &c.

The slaves were emancipated also by the recommendation of Sir Alex. Johnston. In the year 1810, being then governor of the Colony, he addressed a letter to some of the principal slave-proprietors, recommending them to adopt a means gradually to emancipate their slaves. The letter might be found in the eleventh report of the African Institution, and he would take the liberty to read the reply of the slave-proprietors. It was addressed to Sir Alexander Johnston, Chief Justice, &c. and was as follows:—

"May it please your Lordship, we, the undersigned, respectfully beg leave to acknowledge the receipt of your Lordship's very kind and condescending letter of the 10th instant, accompanied with the eighth and ninth reports of the African Institution, the perusal of which we did not delay, in consequence of the honourable distinction which your Lordship has shewn in addressing us on so important a subject, with the laudable and humane view of directing our attention to the measure which your Lordship has heretofore proposed in the year 1806. We sincerely beg leave to assure your Lordship, that the proposal conveyed by your Lordship's letter is gratifying to our feelings; and it is our earnest desire, if possible, to disencumber ourselves of that unnatural character, of being proprietors of human beings; but we feel regret in adding, that the circumstances of every individual of us does not allow a sudden and total abolition of slavery, without subjecting both the proprietors and the slaves themselves to material and serious injuries. We take the liberty to add, that the Slaves of the Dutch inhabitants are generally emancipated at the death of their owners; as will appear to your Lordship, on reference to their wills, deposited in the records of the Supreme Court; and we are confident, that those who are still in a state of slavery, have likewise the same chance of obtaining their freedom. We have therefore, in following the magnanimous example of those alluded to in the aforementioned reports of the African Institution, come to a resolution, as our voluntary act, to declare—That all children who may be born slaves, from and after the 12th of August, 1816, inclusive, shall be considered free, and under such provisions and conditions as contained in a resolution which we shall agree upon, and which we shall have the honour of submitting to your Lordship, for the extinction of a traffic, avowedly repugnant to every moral and religious virtue." That document was signed by above seventy slave-owners; the number of slave-proprietors who acted on these principles was upwards of 700, and the number of slaves whose children were referred to in the document, was not less than 10,000. The example was worthy of imitation in our favoured colonies of the West Indies. Their inhabitants had been repeatedly called on to do the same thing; but they had been deaf to the call. Was Ceylon treated as well as these slave colonies? No; her produce was subject to heavy taxes, and her inhabitants to most unwise restrictions. Before he sat down he would beg leave to refer to the correspondence lately laid on the Table, between Mr. Herries and Mr. Horton in 1827, relative to the Colonial expenditure. In that correspondence he found a passage, which was worthy of the attention of the House. "In the case of Ceylon" it said, "the ordinary excess of expenditure has been increased by the charges of the Kandian war, and rebellion, by a diminution of the proceeds of cinnamon, and by the remission of a debt, to a considerable amount, to the East-India Company. Upon these points, however, Earl Bathurst has lately had occasion to communicate with the Board of Treasury, and he had only, therefore, to add, that whatever measure might be adopted for the relief of the colony, it would be necessary to provide the means for paying off the outstanding debentures, which will become due in the course of seven years, to the amount of 365,000*l*." In that indeed there was nothing to make him hope that the management of our colonies would be improved. He believed in fact that the Colonial Office at home was more to blame than the governors of the colonies. The right hon. Gentleman might oppose his Motion by requesting the House to wait till the commissioners appointed to inquire into the state of the island had made their report, but that might not be made for five or ten years, and as he deprecated every species of delay, which was only calculated to protract evils that ought long ago to have been remedied, he would conclude by moving "that a Select Committee be appointed to inquire into the Revenue and Expenditure of the Island of Ceylon."

Sir *George Murray* said, that he had not expected that so many observations, not strictly referring to the question itself, would have grown out of the hon. Gentleman's Motion. To many of those observations he should feel it unnecessary to advert. He was very willing to admit that the finances of the Island of Ceylon had been labouring under considerable difficulties—difficulties arising from the expenses which had attended the Kandian war— and from other circumstances. The hon. Gentleman had, by implication at least, recommended the introduction of the principles of free trade into the Island of Ceylon. Those principles had been tried there with respect to cinnamon; and the result was, that, in the course of a single year, the revenue had fallen off 50,000*l*. He was no friend to the monopoly system; but these were subjects which must be looked at practically. He also admitted that the expenses of the colony were considerable. A commission however had been appointed to inquire into these matters, and so far from its being probable that the report of that commission would not be made for ten or twelve years, there was every reason to believe that it would be received in July. With respect to the patronage of the island, he (Sir G. Murray) had no desire to exercise it, except for the interest of the colony; and he believed that the only patronage which he had exercised with reference to that colony, since his accession to office, was the appointment of a single writer. He perfectly agreed with the hon. Member as to the fertility of the soil and the salubrity of the climate. That those considerations were insufficient to induce settlers to go to that colony was probably in some measure to be attributed to the recollection that it had lately been in the possession of a savage people, whose barbarities were well known. As to annexing the colony to our East-Indian empire, that was a subject which had better be considered in the general investigation which was making into the affairs of the East-India Company. Under all the circumstances of the case, he thought it would be very injudicious to enter into any inquiry till the commissioners had made their report, and he must therefore oppose the Motion.

Mr. *O'Connell* was of opinion, that the hon. member for Beverley had made out a case which demanded inquiry, for he had shown that there existed in this interesting colony the very worst system of government; nor had his statement of the evils under which it laboured been at all answered by the right hon. Gentleman. The hon. Member below had stated, that the revenue of the colony was less than the expenditure, to the amount of 100,000*l.* a year: that was not denied; and he had shewn that the civil establishment was eight times greater now than it was when the colony was in the hands of the East-India Company. The Company governed the island at one-eighth of the expense at which it was now governed, and there was a deficiency, which this country was called upon to make good, to the amount of 100,000*l.* a year. Then there was the monopoly; the whole trade was in the hands of Government, always a bad merchant. Then came the tax laid upon all articles of British manufacture imported into Ceylon: and taxing our manufactures when imported into our own colony, seemed very objectionable; then it appeared that the will of the Governor was the sole law, that there was no other legislator; and though the Colonial government decided that he had acted improperly in the case of Rosier, it did not prevent this man from being the victim of an *ex post facto* law. The revenue, it appeared, was deficient, and the Judge who levied exactions was afterwards the individual who decided as to the right of levying them. All these were the facts of the case, and when all the inconveniences of the present system were admitted, it seemed naturally to follow, that an inquiry ought to take place immediately. When the Dutch were in possession of this colony, they treated the natives with the greatest inhumanity: but there was a religious order, to the members of which allusion was often made in that House in no very favourable terms—he meant the Jesuits: and it would not be wondered at, if knowing their history, perhaps, a little better than some of those who were most forward to speak disrespectfully of them, he should stand up to defend them, and characterise them as most bountiful benefactors, not only of literature, but of humanity: the conduct of the Jesuits in India, at all events, had been, beyond all dispute, most praiseworthy, and they had been very successful in propagating Christianity in Ceylon. They converted the inhabitants to Catholic Christianity; but when the Dutch got possession of the island, they commenced the most cruel system of persecution against the Catholic converts. They were sent to Siam, and the Dutch re-established the idolatrous worship when the line of priesthood became extinct. When Sir Alexander Johnston became Chief Justice of the Island, he pursued a line of conduct which reflected the greatest honour on him. He had the great glory of giving freedom of conscience, of establishing Trial by Jury, and of abolishing the Slave-trade in that Island. No one person had ever before had the honour of introducing three such measures into any country. This excellent judge found the Catholic Christians in Ceylon persecuted in every way, but he made those persecutions cease, and what was the consequence? Why the number of Christians had increased beyond all former comparison. He was sorry to say, that there were but twenty-six Catholic Clergymen in the Island, but that proceeded from causes over which the Government had no control. These Clergymen belonged to a monastic order, and, perhaps, the right hon. Gentleman was aware that they had been offered a stipend by Government, and had refused to take it, saying, that they preferred deriving their subsistence from the Christians whom they instructed, to deriving it from the Government. That was highly to the credit of those persons. The Catholic clergy in Ceylon were dependent on the Portuguese Archbishop of Goa, and he thought it was deserving of consideration whether they should not be placed under the authority of a Bishop, who should be a British subject residing in the colony. At least the religious situation of the inhabitants of the island deserved the serious consideration of the House. A great deal was said in the House about Christianity when there was an intention of excluding persons from civil rights; and as a means of enabling them to enjoy civil rights, it certainly should not be lost sight of, that the natives of our colonies might obtain the blessings of the Christian doctrines. The missionary labours of the Roman Catholic clergy in Ceylon would certainly be most useful, if they could be extended to other parts of India; and the means of doing that might, he thought, be inquired into in the committee. There was no point of view in which the subject could be looked at, in which inquiry was not immediately called for. Whatever the commissioners might report, it would be better that the arrival of their report should be preceded by the labours of a committee. If the report were received in July, as was expected by the right hon. Gentleman, a double advantage would be gained; if it should not arrive, some progress would be made in investigating a subject which called strongly for investigation. It had been said, that persons were not desirous to settle in this colony, because its natural advantages were not sufficiently known. This was an additional argument for inquiry. The report of a committee of the House would get abroad, and inform persons now ignorant of the advantages of colonization. On the whole, he was of opinion that a perfect case had been made out for inquiry, and no reason whatever assigned for delay. What but beneficial results could arise from inquiry when it was admitted that there was not a single rule of political economy, or of sound legislation which was not violated by the present system of government in that island?

Mr. *Hume* could not allow the question to go to a division after the very insufficient reasons brought forward by the right hon. Gentleman for opposing the Motion, without expressing his opinions on the subject. The way in which it was attempted to slur over and excuse every instance of abuse in our colonies was not to be borne. In his opinion this was a case crying for inquiry and reform, not only as related to the pecuniary affairs of the colony, but as to its trade, its judicial administration and its government. The speech of his hon. friend did him great honour, and it would find its way where it would be sure to take effect. So gross a case had not been brought before the House for the last two years. There had been a vast increase of the judicial and all public establishments in all the colonies during the time that Lord Bathurst was Colonial Secretary. Five years ago 350,000*l.* of debt was due on debentures, and no part of that had since been paid off. It was the duty of government to provide for the payment of the debt, and a sinking fund had been appropriated, but that too had been swallowed up by the rapacious hand of the Colonial Minister of this country. The sinking fund was applied to meet some immediate case of emergency, and the debt had now accumulated to nearly half a million sterling. Sinking funds, indeed, were uniformly applied to immediate purposes, which shewed the inutility and absurdity of establishing them. Here was one of the finest colonies in the world, with a revenue of 350,000*l.* a year, and yet that was not sufficient to pay the expenses, and to maintain the individuals sent out from this country to be provided for. These individuals had not salaries allotted to them according to the services they performed, but according to their rank and connexions, and to the importance of those through whose interest they get their appointments. There were some very curious appointments in this colony. There is one instance of superintendant of the Poor Fund, with a salary of 180*l.* per annum, but the same individual had 2,000*l.* a year, as an appendix to the 180*l.*, for doing nothing. The expenses of the colonial governments were deserving of as much care and attention from that House as any expenses incurred at home. Thousands were wasted in the colonies, and yet the House had heard the right hon. Secretary for the Home Department, with all that gravity which so well became him, and with all those imposing attitudes which he indulged in, read a lecture to it, a few nights ago, upon the extravagance of expending 6*l.* upon the printing of a petition. The account of the salaries in this colony was printed, and he called upon the Members of the House to look into the returns. The right hon. Secretary said, let us wait until July, till the Report of the Commissioners is obtained; but that was no reason why the House should wait even one month; and he could only say, that if the Report of these Commissioners was received by July, they would make their report three years sooner than any other commissioners had ever done within his remembrance. They might be like the commissioners who were appointed several years back to inquire into the Post-office in Ireland, and whose report had been laid on the Table only this Session. The way in which the colony had been governed was quite a mockery. The revenue in 1813 was 320,000*l.*; subsequently it rose as high as 460,000*l.* and in 1824, in consequence of mal-government, it was reduced to 297,000*l.* being a deficiency of one-third, whilst the expenditure all the time was progressively increasing. Under such circumstances, it was fit and proper to see how far it had been injurious to the interests of all parties that the Sovereign should be the only merchant of the island : in this character, his interests were opposed to those of other merchants, which were identified with the interests of the community: and, therefore, the interests of the Sovereign, as a merchant, were opposed to those of the community. The governor of Ceylon was in a situation to cramp the energies and destroy the means and resources which existed so abundantly in the colony. What was to prevent the country from having imported into it 450,000*l.* worth of King's cinnamon; Why should the King not import that as well as sugars? How did it happen that the Attorney General was blind to this, or that the Chancellor of the Exchequer, who was so anxious to take 35,000*l.* for the King's sugars, should not be equally anxious to take 70,000*l.* for the King's cinnamon? There had not been one point stated with respect to this colony which was not of the utmost importance. Was it fit or proper that the Governor of this colony should put the country to an expense, one way or another, of about 16, 000*l.* a year? Then there was the Chief Secretary, with a salary of 7,800*l.*; whilst the Members of that House were squabbling for sums of 50*l.* and 60*l.* and wasting hours in discussing the disbursement of a few shillings. In the Island of Ceylon the Commissioner of Stamps, and the Paymaster General, had a salary larger even than that of the right hon. Gentleman opposite. It was not treating the right hon. Gentleman fairly to give the Paymaster General of Ceylon, a minor colony, a larger salary than he enjoyed as Paymaster General of Great Britain. The colonial Chaplain had the enormous salary of 4,920*l.* Good God! was it not desirable that such a subject should be referred to a committee, which might inquire who all those persons were, and what duties they performed? This was the way in which our wealth was wasting, in which this country was drained, and which would at length be its ruin, if such a system was persevered in. Even the suggestion of Lord Bathurst had not been carried into effect. The trade in cinnamon was not free, and no reason had been given for preserving the monopoly. The King was the trader, the profits of the trade went to the people in office. The civil establishment of the island cost no less a sum than 111,000*l.* The superintendant of the Vaccine Establishment had a salary of 1,651*l.*; the superintendant of the Botanical Garden, 1,437*l.*; and all the other salaries were on the same footing. The expense was eight times as great as it was when the island was under the East-India Company. The expense of the Judicial Department was 43,000*l.*, and of the Revenue Department, 65,000*l.* The different establishments cost more than the whole revenue of the colony. The whole trade was monopolized by the Government, and commercial enterprise destroyed. Could any one say, that this was not a proper subject for inquiry? Was it not worthy of consideration, whether this colony might not be made valuable and productive to us, instead of being a source of expense? He was surprised that the right hon. Gentleman should say, with so much indifference, let us wait for the report, when reductions had been recommended by his predecessor. Why, the military establishment alone cost 170,000*l.* and the mere Staff itself cost 20,000*l.* It was not possible for the country to flourish under such a system? Could it be expected that any individual should go to settle under such an arbitrary government? Any one must be ignorant of the practice of colonial governments, to place his person and property in such jeopardy. If ever there was a question calling for inquiry it was the present. The right hon. Gentleman admitted that the finances were embarrassed; but that was of no consequence as long as the Chancellor of the Exchequer could provide the money, by a grinding system of taxation on the people of this country. As long as this House neglected its duty, and did not prevent such an expenditure, it was of no matter to the right hon. Gentleman. He admitted that monopoly was bad; then why not put an end to it? When even Lord Bathurst, the most illiberal Minister that ever governed the colonies—a Minister who obstinately maintained a system of misrule, and endeavoured to perpetuate every abuse—when such a man recommended reform, and his successors did not effect it, it was no great compliment to that successor; and facts shewed that he had no claim to the character of a liberal Minister. The right hon. Gentleman admitted too that the establishments were unnecessarily large, and yet he contended that inquiry was not necessary. He also said, that he had no fear of colonization, and that declaration gave him pleasure; the fears entertained on that subject were perfectly ideal. The capital and talent of Englishmen employed in our colonies would no doubt bring forth their capacity and resources, and admitting that—and at the same time admitting that Englishmen did not go to Ceylon, was not that a reason why the House should inquire into the circumstances which closed that beautiful country against the enterprise of our people. As far as promoting civilization and wealth went colonization was of great importance; as far as regarded the number of inhabitants, colonization was not of importance when the climate and the amount of the native population was considered. He was glad, however, to hear what had fallen from the right hon. Gentleman on this subject, because colonization was a bugbear and a signal of alarm just now held out by the East-India Company. Was there no necessity for inquiry, he would further ask, when this colony every year cost the country from 100,000*l.* to 200,000*l.*? besides it had a debt of 500,000*l.*, for which this country was responsible, and which could not be paid off till the colony was placed on a different footing. If the shackles which now cramped industry and commercial enterprise were removed, and the establishments of the island put on a fair and liberal footing, the colony would pay all its expenses, and pay off its debts. Upon these grounds, thanking his hon. friend for bringing forward this Motion, for which the country was greatly indebted to him, he should give the Motion his most cordial support. The name of Sir Alexander Johnston had been mentioned; and before he sat down he must be allowed to express his regret that that gentleman should be idle on a pension in this country, when there was no proper Court of Appeal for the colonies, which he thought the Government would do well to establish, instead of having colonial appeal decided by the Privy Council, very little to the credit of the judicial character of the country. Those Judges who retired from the colonies in full health, and with their faculties unimpaired, should not be suffered to eat the bread of idleness at home. If a Court of Appeal were established, and they were made the Judges in it, the duties would be more properly discharged than at present, appeals being now tried by persons utterly ignorant of the colonies, the customs of the inhabitants, and every other circumstance which it was desirable they should be acquainted with. Sir Alexander Johnston's services would be of great use to the country if he were placed in an appeal court of this description. His conduct at Ceylon had immortalized his name, and his example he hoped would be followed by other Judges throughout the colonies. He called upon the Secretary of State for the Home Department, if there was the least sincerity in his professions of a desire to economise, to agree to his hon. friend's Motion, as the commencement of an improved system for our colonies. He had no doubt that the result of the inquiry would be most favorable to the resources of the country, and that we might save at least 150,000*l.* a-year in the expenditure of Ceylon alone. The extravagance of the establishments in the West-India Islands had been mentioned, but they were nothing compared to this, and most of them paid their own expenses. Those islands which were under the government of the King in Council, were much the most extravagant in their establishments; Ceylon, the Cape of Good Hope, the Mauritius, and Malta, were all colonies of this description: every one of them was a load to this country, draining us of the means which were collected with so much difficulty at home. Unless some change took place, it would be in vain to expect a return to prosperity and a cessation of complaint. An inquiry by a committee might put things on a proper footing. If the recommendations of that committee did not meet the approbation of the right hon. Secretary, he might refuse to carry them into effect: but if he did not choose to commence the inquiry, let him not refuse to allow others to carry it on, for if the Government desired to effect economy in the colonies, such an inquiry must take place.

Sir *C. Forbes* supported the Motion because he believed that great abuses existed in Ceylon, which the committee might be the means of remedying.

Lord *Althorp* thought, that the state of the colony required examination before a committee, and suggested that the word "commerce" ought to stand first in the Motion, in order that, if it were carried, the committee to be appointed might first investigate that part of the subject, so as not to anticipate the Report of the Commissioners, which might be expected in July.

Mr. *Trant* observed, that it would be convenient, while the General Committee was sitting upon Indian Affairs, to have another distinct committee on the state of Ceylon, and whatever the recommendation of the committee might be they might afterwards be considered.

Mr. Stewart adopted the recommendation of the noble Lord (Althorp), and altered his Motion accordingly.

The House divided—For the Motion 38; Against it 82—Majority 44.

List of the Minority.

Althorp, Lord
Bernal, R.
Brougham, H.
Benett, John
Birch, Jos.
Bankes, Henry
Bright, Henry
Crompton, Samuel
Clive, E. B.
Carter, J.
Du Cane, Peter
Davenport, D.
Davenport, E.
Ferguson, C.
Forbes, Sir Charles.
Gordon, Robert.
Graham, Sir James
Grattan, James
Harvey, D. W.
Jephson, C. D.
Knatchbull, Sir E.
Kennedy, T. F.
Lennard, Thos. B.
Lester, B.
Lloyd, Sir E.
Labouchere, H.
Monck, J. B.
Morpeth, Lord
Milton, Lord
O'Connell, Daniel.
Pendarvis, E.
Protheroe, E.
Phillips, G. R.
Phillimore, Dr.
Palmer, C. F.
Rickford, Wm.
Robinson, Sir G.
Robinson, G. R.
Sykes, Daniel
Trant, Henry
Tufton, Hon. H.
Townshend, Lord C.
Thomson, C. P.
Vyvyan, Sir R.
Whitbread, W.
Wynn, Right Hon. C.
Wilbraham, G.
Waithman, Alderman
Wilson, Sir R.

TELLERS.

Hume, Joseph.
Stewart, J. (Beverley)

COURT OF CHANCERY.] The *Solicitor General*, referring to the Bill brought from the House of Peers for the regulation of the Court of Chancery, said that he intended to propose that it should be read a first time to night, and that the second reading should be fixed for the 10th of June, when the discussion might be taken. He hoped that this arrangement would be satisfactory to the House, and that it would allow him to name the same day for the second reading of the two other bills, connected with that Bill, one being for the regulation of the Master's Office, and the other for the regulation of the Registrar's Office. He hoped, if this suggestion were approved, that Members would not fix motions for the 10th of June, which would precede the Orders of the Day for the second reading of the three bills he had named.

Mr. *Brougham* was of opinion that this important subject well merited a separate day's discussion. The subject of the Court of Chancery had been postponed in that House for two Sessions, in consequence of the expectation of the bill which had just made its appearance from the House of Lords. Why it had been so long delayed he knew not, but *per tot discrimina rerum*, it had at last been sent down to the Commons. He must freely state that he felt the strongest repugnance to the plan proposed by the Bill and on the day named, for which he hoped no other business would be set down, he would not scruple to detail his objections.

Mr. *Cutlar Ferguson* took this opportunity of urging the Lord Advocate to fix some early day, prior to the 10th of June, for the debate on his measure, which had excited great attention in Scotland, and was, in fact, of the highest importance to that country.

ADMINISTRATION OF JUSTICE BILL.] The Attorney General moved the further consideration of the Report on the Bill for the better Administration of Justice in England and Wales.

Mr. *Edward Davenport* said, he was surprised, when he reflected that this Bill had been framed by a learned Gentleman, who had passed the greater part of his political life on the Opposition benches. So far as the wants and wishes of the people were consulted by that Bill it might have been drawn up by the Grand Vizier, and would then have been quite as well adapted to the people as the Bill that had been drawn up by the King's Attorney General. What did this Bill do? In the first place, it multiplied all the difficulties which the inhabitants of the county of Chester and the Welch counties now complained of, and it changed the character of their system of judicature. He should have been quite ready if the Bill had been for the advantage of Chester, to waive his objections to a great many clauses of it;

but the objections instead of being obviated after remonstrance had been made, had been multiplied, and this Bill was an exacerbation of the original measure objectionable as that was. He objected to the Bill altogether, and let the House observe what it proposed to do. With respect to the county of Chester, it proposed to put an end to, and annihilate at one blow, all the judicial rights and privileges enjoyed by its inhabitants for eight centuries, and that without any complaint having been made, or one petition having been presented against their rights; while plenty of petitions had appeared in their favour. In the preamble of the Bill it was distinctly stated, that "whereas it is expedient to put an end to the separate judicature of the county of Chester." That was the preamble; but the Bill did not prove, nor had it been proved, that it would be expedient to put an end to that separate judicature; and he required something better to prove the expediency of that than the *ipse dixit* of the hon. and learned Gentleman. The inhabitants of the county of Chester (one of the first in commercial importance), amounting to near 400,000, did not consider it expedient to put an end to their ancient and present system of judicature. On the contrary they had petitioned against the Bill; and not only the county of Chester, but the great towns in the vicinity—Liverpool, Lancaster, and Warrington, containing nearly 300,000 inhabitants, had also petitioned against it. What was the system to be substituted? He wished to inform the House that this was a question of rights; not like the last—merely a question of expenditure of the public money, during the discussion of which, nearly every Member in the House was engaged in conversation. The system proposed to be substituted was that prevailing in England, which, on account of its delays and expenses, excited so much disgust. It was that system, the evils of which were so truly stated by the hon. and learned Gentleman, the member for Knaresborough, when he introduced the subject of legal reform, and pointed out his views of the remedy to be applied. His speech was received with approbation by every one who heard it; and the sentiments of which he had no doubt, would ere long be generally adopted. Before the hon. and learned Attorney General introduced this Bill to change the system of judicature in the county of Chester, he should have waited until the reforms proposed to be introduced in the law of England were carried into effect. The new system of law which he wished to introduce into the county of Chester, had not that which is the origin of all law—the consent and acquiescence of the people. In fact they were against it. He wished to know why the County Palatine of Chester had been selected for this experiment, or why the other Counties Palatine had been passed over? Why was not Durham included? Had the Bishop rights there, which could not be touched without difficulty? but this reason did not apply to the County Palatine of Lancaster. The Bishop had nothing to do with that; and there was no reason, as it appeared to him, for leaving that county untouched. No reason had been stated why this Bill should spare the other Counties Palatine, and attack the county of Chester. The Bill was founded on the erroneous idea that Chester was assimilated to Wales, and had no analogy or resemblance to Lancashire in its institutions; whereas the direct converse was the fact, as had been proved to the Attorney General who, however, did not alter his Bill. As far as he understood that Bill, it did not introduce the slightest improvement; all the proposed changes were objectionable; and no grounds had been stated by the hon. and learned Gentleman for making them. It was merely *sic volo, sic jubeo, stat pro ratione voluntas.* So many of the enactments of the Bill were objectionable, that he was at a loss to know to which part of it first to apply his objections. The facility and expedition with which writs are now obtained in actions for debt, in the county of Chester, would be lost by this Bill. Though he was no friend to the principle of Arrest for Debt, yet while the law sanctioned Arrests they ought to be executed with facility. It was of importance at all events, to the inhabitants of the county of Chester, that they should be able to obtain writs with as little difficulty as if they lived in the county of Middlesex. It was also most important, that when parties resorted to actions at law, many months should not elapse between the commencement of those actions and going to trial. That advantage was possessed by the inhabitants of Chester. The Courts there were always open; whilst proceedings in the Courts at Westminster were often impeded by long holidays. The people of Chester were also exempted from the delays which took place under the English system, between the period of obtaining a verdict and issuing an execution; delays which enabled fraudulent defendants to assign over their property, and cheat their creditors. Then with respect to persons bailed by the law of the Counties Palatine, they were allowed to surrender in their own counties, instead of coming up to London at a great expense. These changes might seem to some persons of small importance; but the inhabitants of the county of Chester did not think them so, and he was therefore justified in objecting to them in detail. Amongst other matters the law of Ejectment was considerably altered. Under the present system if a tenant refused to quit his holding pursuant to notice,—say on 2nd of February,—he might be ejected in the month of April. By this Bill, however, he could not be ejected until the following November. That was a difference of six months, which would enable the tenant, if fraudulently disposed, to ruin the estate, carry the crops away, and run off himself, leaving no remedy to the landlord but an appeal to the Court of King's Bench, when the injury was done and could not be repaired. The landlord therefore might lose the produce of his land for one year. There was also a Court of Equity in the county of Chester, which this Bill proposed to abolish without any evidence of complaint having been made against it, unless such evidence could be found in the negative objection that it had not much business. Perhaps the people of Chester were not so litigious as the inhabitants of other parts of the kingdom: but at all events, when they found it necessary to resort to a Court of Equity, they were able to obtain justice at one-third the expense at which it was obtained in England, and in one third of the time. In the recovery of small debts, the people of Chester would find themselves in a much worse situation, for the Sheriffs Court was also to be abolished. Another objection was, that a gaol which cost the county 150,000*l.* and which was unfortunately not half large enough, might be placed under the superintendence of Welch Magistrates, which was neither very convenient nor very agreeable. Accommodation too must be provided for the Judges, at an expense of 10,000*l.* These matters might seem trivial to some Gentlemen, but *pro tanto* they were grievances, and deserving of consideration. The most galling circumstance of all, however to the people of Cheshire, was their being united with two Welch counties. He was sure that his hon. friends, the members for Denbigh and Flint, would not consider that anything disrespectful was meant towards their counties, for they were as little disposed to acquiesce in this unnatural union as the Cheshire people. The Sheriff according to this Bill, was to be Sheriff of three counties; and his responsibilities and his duties were to be increased in proportion. He thanked the House for the indulgence with which it had heard him, and concluded by moving as an Amendment, "that the Report be received that day six months."

Mr. *Wilbraham* meant to confine the few observations he was about to make entirely to the operation of the Bill on the county of Chester, with which he was particularly connected. The Bill went to alter the whole machinery connected with the Administration of Justice in that great commercial county. The Courts established there had, for many centuries, independent rights, and were not identified with the Courts of Westminster-hall. They possessed as ample a jurisdiction in the county of Chester as any of the Courts at Westminster in any part of England. Having existed so long, it was not surprising that they should want some little amendment; and his hon. friend, who had just addressed the House, must admit that they required reform in various particulars. In the course of time they had acquired various defects, like the other courts in the kingdom. He would not enter into a detail of those defects, but undoubtedly amongst the advantages of the system, some defects had blended themselves, and become parts of it. In some points therefore, reform was necessary; and he would not say that no advantage could be derived from the changes proposed by the Bill. He considered that it would be a great advantage to have the Judges from Westminster-hall to preside in the Courts of Cheshire. It was notorious that the Chief Justice of Chester had generally been appointed from different motives, and upon different principles from those acted upon in the appointment of other Judges. In this point of view, therefore, there would be a decided advantage to the county of Chester; but he was far from thinking that it would be advisable to annihilate its Courts altogether, and amalgamate the peculiar judicature of that county with the general system. The inhabitants of Cheshire had a right to ask for the retention of the peculiar advantages of which they were in possession. It might be said that if this system of judicature in the county of Chester had peculiar advantages, why not extend it to other counties? That was a point which the people of Chester had no power to press; but they considered that the law-officers of England should begin by making the English system of law more advantageous and intelligible, before they forced it upon other people. For his part he was not opposed to the principle of the measure, and perhaps it might be altered and remodelled, so as to render it less objectionable. He must, however, candidly confess, that the people of the county of Chester wished to retain their own peculiar institutions. If it were wished to conciliate them, it might be effected by modifying some of the most objectionable clauses. Under that hope, he would not presume to say with that understanding,—but with a hope grounded on the reasonableness of the request made by the inhabitants of Chester, he would not give any opposition to the measure in its present stage, as he agreed with the principle of the Bill. If he found at a future stage that the Bill destroyed the peculiar rights and privileges of the county of Chester, and that no alteration was made in it, if the objectionable clauses were retained, he should certainly vote against it. As to the proposition to unite Cheshire to the Welch counties, it was most objectionable. The reasons given against it were so good and so conclusive, that he should add nothing. The decided difference between the manners, habits, customs, and language of the people, formed in his opinion, an insuperable objection; and he trusted that the hon. and learned Gentleman, in opposition to the wishes of all parties, would not seek to put together those whom God and nature had separated.

The *Attorney General* said, that his object was to accomplish what he was persuaded would prove a great national benefit, with as little opposition as possible, and therefore his aim had been, to remove from the Bill, as far as possible, everything to which objection might be taken. In doing that, however, it was scarcely to be expected that he could conciliate every person, and at the same time be governed by those principles which he considered essential to the value of the measure, and calculated to promote its success. He certainly did not imagine, that by the unaided and native force of genius, he could accomplish all that the hon. Gentleman opposite seemed to suppose hinself capable of effecting, and therefore he had endeavoured to avail himself of the suggestions of others as far as he possibly could, for he candidly confessed he did not, like some Gentlemen, entertain an exalted opinion of his own talents. As the Bill had been printed, and was in the hands of hon. Members, it would not be necessary for him to enter into minute explanations of its several clauses; but, once and for all, he begged the House to understand that the Bill was one combined measure; that the addition of the Welsh Circuit made the appointment of new Judges necessary in Westminster-hall, seeing that the business of the Principality was transferred to the Metropolis, and that new regulations were required by those alterations in the Courts. It was evident, therefore, that the whole was essentially one combined measure. The House, too, would see that no clauses were introduced except such as were necessary for carrying the objects contemplated into effect, or such as seemed naturally to grow out of them. He presumed, that were the principle of those alterations once conceded, there would be no doubt that the additional Judges were necessary; for not only would they be required for going Circuit, but it would be necessary also that one of them should always be in London. Those Judges would be necessary for the increased facility and despatch of business, which it was one of the objects of the measure to afford, and which, from the additional labour and increased impediments, would have been defeated but for that precaution. He should now advert to the clauses respecting arrest upon mesne process; he had fixed it at a sum of 100*l.* and he felt bound to declare thus early, that in principle he could not abandon those clauses. He was free to acknowledge that he should have had no objection to go further, but he had some respect for the opinions of others—he did not think his own powers all-sufficient—he attached some value to the labours and information of other men; but though he did so, he found it impossible to accommodate the clause to the views of every one. Some thought it went too far and some thought it did not go far enough—and he became, therefore, the more induced to adhere to his former views, finding that he could not reconcile all the difficulties which presented themselves. He was the more anxious to afford this explanation, as a deputation from the trades of London and Westminster had done him the honour to wait on him, and make representations upon the subject, to which he felt bound to pay attention, and in consequence of which he introduced the clause allowing of a *distringas;* and which had also induced him to adopt a course respecting another part of the Bill, which he hoped would meet with the approbation of the House. There were some of the clauses which he proposed to withdraw from the committee, intending to give them more mature consideration, and introduce them in the form of a separate bill, or else lay them before the House on the bringing up of the report, so as to make them the subject of a separate discussion, and not mix them up with the other clauses of the Bill. There were none of those clauses which he so intended to withdraw, respecting which he did not intend to reserve to himself the right of bringing them forward again, either in the manner he had mentioned, or next Session, in the form of a separate bill. The hon. and learned Gentleman then entered into the statement of the existing regulations and practice of the Welsh Courts, and contrasting their past state with what he anticipated their future condition would be. The Welsh Courts, he said, were cumbrous and expensive machines ; they held ten sittings in each assize town—they hurried through causes with unseemly rapidity, allowing no chance either for compromise or accommodation, and, above all, they were different from the English Courts. Now the principal object he had in view by that Bill, was to put all the Courts in England and Wales on the same footing, and in drawing it up he had the assistance, the valuable assistance, of the hon. member for Rippon, (Mr. Spence.) He pressed upon the attention of the House the necessity of amalgamating the different Courts of the kingdom, and then proceeded to answer the objection made relative to defendants rendering in discharge of bail. To meet that objection he had altered one of the clauses, by which a defendant might be rendered at the gaol of the county in which he resided as readily as at any of the Courts at Westminster—thus the advantages enjoyed by Chester and by Wales would be continued to those districts, and extended to the rest of the country. Another objection had been got rid of by introducing a clause allowing execution to issue within seven days after obtaining a judgment, unless security were given; and he was happy to be able to say that in introducing that clause he had acted agreeably to the recommendations of the commissioners for inquiring into the law. The Bill, he contended, would give increased facilities for obtaining judgment, and issuing execution on application to a Judge. The learned and hon. Gentleman showed that it would be advantageous to landlords in the protection which it afforded against spoliation and waste; while creditors, from the advantages it gave them, would find themselves in a better situation than before. These were, he trusted, sufficient answers to those Gentlemen who opposed the Bill because it would injure the inhabitants of Chester. They would find that the ground of their objections was removed by the new clauses he had introduced. He then noticed the extreme horror which some of the Welsh counties seemed to entertain of being combined with others, pointing out at the same time the advantage which that combination would secure to them of enjoying the services of a more enlightened Jury and a more numerous and better-qualified bar. If it would be the means of preventing opposition (though he had no great hopes of that,) he should have no objection to introduce a clause to make it incumbent on the Judges to go to the different counties where the assizes were appointed to be held, and subsequently to meet at Chester. The hon. and learned Gentleman concluded by moving that the Speaker leave the Chair.

Sir *C. Wetherell* said, that the Bill, when he first saw it, was but the skeleton of a bill. It was now considerably altered; that was to say, limbs had been amputated, and features had been added, so as completely to change its appearance; and what with the additions which had been tagged on, and what with the parts which had been detruncated, it was quite something else from what it had originally been. It seemed to him to be chiefly divided into three parts—the appointment of new Judges in Westminster Hall; the raising the liability of arrest to 100*l.* and the abolition of the Welsh Judicature. In a great measure he thought the Bill objectionable; and he should therefore vote against it, till this great boon, which, he supposed, was what had been so pompously held out in the Speech from the Throne, at the commencement of the Session, was put into a somewhat more palatable shape, as far as the public was concerned. He thought that the proposed rise in the standard of arrest was so large, that instead of its being hurried on in this way, at the close of the Session, it ought to have been announced long previously, so as to afford an opportunity of collecting the sentiments of those most interested in the alteration. With respect to the appointment of new Judges, as the Judges themselves were of opinion that it ought to take place, and as the Welsh Judicature was to be done away with, that measure, perhaps, was the least objectionable of the three. He, however, could not understand the principle upon which Parliament was called upon to legislate on this subject. One hon. and learned Gentleman, who wanted to have the law of England altered, proposed to do it by consolidation, while the Attorney General, in altering the law of Wales, wanted to do it on the plan of division and subdivision. He would not take upon himself to pronounce which of the two was right; but this he would say, that one must be wrong. He objected to the arrangement of the counties being left to the King in Council; that arrangement ought to be definitively settled by the provisions of the Bill itself. As proposed at present, there was to be a power in the Crown to consolidate the counties, and a power in the Crown, *pro hâc vice*, to appoint the Sheriff. If it was proposed to join Carmarthen to the nearest English county, and so on, he should be able to understand it; but as now managed, a man was never to know to what country he belonged. The whole of this arrangement of counties appeared to him to be so anomalous, that he did not hesitate to say that it was directly unconstitutional. It was not even fixed when the change should take place; but the whole appeared to be left to the hand of chance, or to the good providence of God knows who. This arrangement might be altered at pleasure too; and the consequence would be, that he who was an Englishman one day might be a Cambrian the next, and the individual himself would be quite puzzled to say "to what country he belonged."

Colchus an Assyrius, Thebis nutritus an Argis.

There was another part of the Bill which was still more objectionable—the alteration in the Courts of Equity in Wales. He had often heard the Welsh Judges abused in that House; but he might observe that the Welsh Courts of Equity had never been found fault with; and in all his experience as a lawyer, he had never known but two cases brought from those Courts on Appeal to the House of Lords. He could not see what necessity there was for bringing up all the business of Wales to the Court of Exchequer. He should be sorry, however, to oppose any alteration, if something like an intelligible bill could be introduced. This Bill, certainly, was not of that description; and, unless some more efficient and unobjectionable plan should be proposed, he could not give it his support. He pledged himself to watch those sham changes in the law, which were calculated to do any thing but promote the ends of justice; and unless the Bill were completely altered in the committee, he should resist it in all its stages.

Mr. *Davies Davenport* opposed the Bill. The great complaint against the law of this country was its expense; and it appeared to him that the present measure was rather calculated to increase than diminish that.

Mr. *Sadler* wished to say a few words on this occasion, chiefly because he had been intrusted with the presentation of a Petition against the measure now under consideration, from a most important town in the county of Chester, the populous town of Macclesfield. He intended to present that petition this evening, but had not an opportunity of doing so; he therefore begged to state that the inhabitants of Macclesfield were decidedly against the measure, and no parties were more deeply interested in its progress. Their petition ought to be attended to; and on such a subject the humblest petition which came from the county, or the smallest remonstrance which it sent forth, on a subject of vital consequence to its interests, ought to receive the most serious consideration. All the large towns in the great and wealthy county of Chester were opposed to the Bill. It was not to be supposed for one moment, that the well-informed, and well-disposed inhabitants of that county, could be mistaken on a matter so nearly affecting their interest. They wanted naturally enough to know what they were to receive, before they consented to an alteration in their ancient system. It would be presumption for him to go minutely into the discussion of the measure, since the subject had been so ably handled by the hon. and learned Gentleman near him. But he begged to make a few remarks with respect to those individuals whose petition he had not yet presented. They knew their own interests, and they felt that, under the general administration of justice in this country, those interests were safe; but when he found that the Grand Jury and Magistrates of the county had petitioned against the Bill, that the large town of Macclesfield, one of the most important places in the county of Chester, rejected this measure—when he observed that the voice of the people was decidedly against receiving a boon of this sort, the House ought to look with great suspicion at the measure. Let it take care, lest by its negligence it committed an injustice, when it intended to confer a benefit. He heard, with surprise, his Majesty's Attorney-General speak, not of individual prejudices, but of county prejudices. How many counties were there in this kingdom? and where were their prejudices to be seen? The parties who would be affected by this measure, spoke of those alterations without that feeling of animosity which the hon. and learned Gentleman supposed to exist. In his opinion, the amalgamations which the hon. and learned Gentleman proposed, ought to be clearly and distinctly pointed out. Nothing should be left to doubt or conjecture, and for the House to allow the alteration to be made by his Majesty's Ministers was not consistent with the constitution of this country, and the feelings of the people. It was placing far too much confidence in the administration. The whole of the hon. and learned Gentleman's intentions ought to be plainly and distinctly stated. The country ought to understand his proposition thoroughly. Something very convincing might perhaps have been said in favour of this Bill before he came into the House; but he had heard very little to induce him to support it. The people wished for cheap and expeditious justice —they wished to have it carried to their doors, these were the main points to which they looked. They did not ask for the increase of law-officers; it was not to serve a purpose of that kind that an alteration in our system should be attempted, but solely for the purpose of satisfying the country at large. When the population of the rich and extensive county of Chester arrayed themselves against this measure, there were strong grounds why Parliament should ponder long before it gave this Bill the force of law. The hon. and learned Gentleman observed, that some part of the local jurisdiction of the county Palatine of Lancaster ought to be reformed. Why then did he not proceed to reform the palatinate jurisdiction of that county? That which he wished to alter, was the oldest palatinate jurisdiction in this country. It had lasted for the greater part of a thousand years. If the hon. and learned Gentleman dealt with one, let him also deal with all. Let him reform the jurisdiction of Durham and of Lancaster, as well as of Chester. This would be fair, especially at the moment when an attempt was made to assimilate the general law of the land. There was no reason why a particular favour should be conceded to the palatinate jurisdiction in those counties, merely on account of its being so ancient (and certainly they had no other claim), while, in the case of Chester, that species of claim was set aside. There were other parts of the Bill to which he entertained serious constitutional objections. He thought that a whole and entire system, reformed and improved throughout, ought to be introduced, in order that those whose peculiar customs were to be sacrificed should know what they were to receive in return; that those whose long-exercised and deeply-cherished rights were to be set aside by these projected alterations, should be made perfectly acquainted with the situation in which they were hereafter to stand. As to that portion of the measure which related to the law of arrest, he objected strongly to it. Though far from advocating harsh or cruel proceedings, in cases of this nature, still he wished that the honest creditor should receive proper protection. But how did this new provision effect that? It gave the great and rich creditor an advantage, while it took from the small and poor creditor his chief protection. He to whom a thousand pounds were due might arrest his debtor; but the poor creditor, to whom a debtor owed less than a hundred pounds, could not reach him. He had less remedy than the rich man, though the smaller sum was probably of greater importance to him than the larger was to the wealthy man. It was wrong, that the poor man should be placed in such a situation, and it would appear especially so when it was recollected that the rich man was less liable to give credit, or be seriously injured by losses. He was of opinion, that a very narrow and contracted view had been taken of the whole subject. The Petition which he meant to lay on the table spoke the unanimous opinion of one of the most important towns in the kingdom, the inhabitants of which had honoured him by intrusting it to his hands; and he called on the House to recollect, that it was dealing with ancient rights, with rights long exercised, and still deeply cherished, and which the petitioners earnestly prayed they might be allowed to retain. The Bill gave to the petitioners nothing which they regarded as an equivalent for these rights. Such too was his opinion, and it was out of respect to that opinion that the petitioners had done him the heartfelt honour of intrusting him with their petition.

Mr. *Owen* said, that the Welsh Administration of Justice required amendment, but he objected to taking away the whole Welsh jurisdiction. That, the Welsh regarded as one of their greatest privileges, to which nothing offered by that or any other bill could possibly be an equivalent.

Lord *Belgrave* said, he believed that the feelings of the great majority of the inhabitants of Chester were, as the hon. Member who had already spoken, said, decidedly hostile to the measure. He was happy to hear that some of the points recommended to the consideration of the Attorney General were likely to meet his favourable consideration, and he hoped they might do something to make the Bill more palatable to the people of that county. He hoped that the hon. and learned Gentleman would not unite the large and populous county of Chester, containing 100,000 inhabitants, with the small counties in its neighbourhood. On the whole, he was glad that the Bill had been amended, but he could not yet give it more than a very languid support.

Mr. *John Williams* expressed his regret that there was not time to enter into a full discussion of the measure then before the House, which he considered very important, both from its general principles, and from the local advantages it proposed to confer. He was surprised to hear the objections made by the hon. Member for Newark, more particularly as the Bill went to take from Ministers a greater quantity of patronage, which, (greatly to their credit, they gave up,) than had been resigned by any Ministers of the Crown since the Revolution. They abandoned that source of patronage, the appointing of the Welsh Judges. As he understood also there was a measure in progress which went to abolish eighteen or twenty places in Scotland, causing a great saving (though in this he was not so sanguine) to the public. He could not agree with those Gentlemen who had attacked the Bill, towards which he felt himself attracted. With regard to introducing additional Judges into the English system, he thought the state of the country, when twelve Judges were first appointed, justified that. Six hundred years ago there were twelve Judges, and now there were one hundred times as much business as at that time. At present it was impossible, with all the skill of the Judges, to keep down business in the Court of King's Bench. To force parties into another Court, as was sometimes proposed, would be as unfair and unjust, as to make them toss up for a decision. No Legislative Act could remedy this, but it might be remedied without an Act of Parliament. If his hon. and learned friend would only go into another Court, he would carry the business with him, but a law could not carry it. The public would go to those Barristers in whom they had confidence. The Courts of Equity might be curtailed of their business by taking some of it to the Courts of Common Law. There were conflicting systems of law, and within ten minutes' walk of each other in Westminster Hall. A mortgage which was not paid would, at Common Law, be foreclosed, and the estate would be forfeited; when, in Chancery, the party might have the estate reconveyed to him, and the foreclosure set aside. A Court of Common Law might, in this case, perform the function of a Court of Equity. He recommended giving to the Common Law Courts an equitable jurisdiction in such cases, instead of sending them, when they had been already heard in a Court of Common Law, to remain undecided in a Court of Equity. With reference to local alter ations he recommended that Liverpool, Manchester, and Warrington, should have their Courts at Chester, within a few miles, instead of going sixty miles; but the county of Chester ought to have the advantage of the Lancaster Court of Common Pleas. On the whole he supported the measure, expecting from it great improvement and great advantage to the country.

Mr. *Bernal* complained of the manner in which the Bill had been brought in, and thought that it was such a mixture of different things that it must be divided into three Bills. He objected also, as there were no petitions praying for such an alteration for Wales, to taking away the local jurisdictions from that country. He was of opinion that the Bill could not well be passed this Session, and he hoped the Ministers would reconsider the measure.

Sir *Robert Peel* said, that it was usually considered the most painful duty of a government to oppose reform;—but here, the greatest difficulty the Government lay under was, when they attempted to effect improvement. The object was to render law cheap and expeditious; and for such an object local distinctions ought to be sacrificed. Hon. Gentlemen, on this occasion, had altogether omitted the principle, although this was the stage for discussing it, and had involved themselves in details which would be properly considered in committee. He appealed to the House whether there were not alterations needed in the Courts here, so as to equalise the business; and if three additional Judges were necessary, what objection could the people of Wales have to the presence of these three Judges to despatch their business, instead of the present number of eight, who were gentlemen practising at the bar, and perhaps Members of that House. It should be recollected that the people of Wales had often complained that their Judges had not salaries adequate to make them independent; and this, if there were no other reason, ought to satisfy them with the appointment of independent Judges, whose time would be altogether directed to the administration of justice. He would not go into the details of the Bill, but repeated his wish that it might be allowed to go into committee.

Sir *William Vaughan* declared himself hostile to the measure, in principle and in detail. He should betray his duty to the county which sent him to Parliament if he did not oppose the Bill to the utmost of his power.

Colonel *Wood* had many objections to the details of the Bill, but would vote for going into a committee.

Mr. *Brougham* concurred with the Home Secretary, and thought that no Member had a right to oppose the Speaker's leaving the chair on the ground of objection to details instead of principle. He asked, was there any one who was satisfied with the present number of Judges or with the present state of the Welsh Judges? Was there any one who wished that these Judges, practising at the bar, and influenced, perhaps, by political motives, should be not of the same class, of a different stamp, and of another character, from the other Judges who were to administer the laws of the land? There was a great cry throughout the land for a reform of the law, but directly the Government tried to carry any reform into execution, one Member cried out "dont touch this," anoother cried out "dont touch that;" one cautioned the Government against meddling with the ancient jurisdiction of a Principality, and another talked of the rights of a county palatinate, and if they were to go on so, all reform would turn out to be idle declamation. Hon. Members made various objections to the measure, but at all events they ought to go into the committee.

Mr. *Fyshe Palmer* opposed the measure, and especially the union of Welsh and English counties. It would be better for Government to remedy the abuses of the Court of Chancery than meddle with the Welsh Judicature, which was well administered.

The question was then put and agreed to.

On the question that it be re-committed "now,"

Sir *Charles Wetherell* hoped that the Attorney General would not press that stage at present.

After a conversation in which Mr. Cutlar Ferguson, Mr. C. Wynn, Mr. D. W. Harvey, and Mr. Jones, took part, the House went into Committee. Some amendments were agreed to, and the further consideration appointed for Thursday next.

HOUSE OF LORDS.

Friday, May 28.

MINUTES.] Petitions presented. By Lord KING, from Harburton and Cornworthy, in the County of Devon, in favour of an open Trade to India and China. By the Marquis of LANSDOWN, from Persons engaged in the Cotton and Woollen manufactories of Manchester, praying for an Alteration in the Measure which regulates the hours of Labour of Children employed in similar Factories. By Lord CALTHORPE, for the Abolition of Slavery, from Rochester, Chatham, and other Places.

The Lord CHANCELLOR informed their Lordships that he had received a Letter from Sir T. Tyrwhitt, the Gentleman Usher of the Black Rod, acquainting him of the resignation of Mr. Quarme, the Yeoman Usher, and of the appointment of Mr. Pulman to that Office.

The Earl of SHAFTESBURY proposed an humble Address to his Majesty, recommending Robert Quarme, Esq. for his long and meritorious services—he and his father having filled that situation for Forty-three years—to his Majesty's grace and bounty—Agreed to.

THE RUSSIAN TARIFF.] The Earl of *Malmesbury* moved for a Copy of the Russian Tariff of Customs. The noble Earl said, he believed that Russia had benefitted exceedingly by what had been called reciprocity treaties, to the prejudice of England. In the four years ending 1827, the value of the Russian produce imported into this country was 12,000,000*l.* and the value of exports from this country to Russia was 8,000,000*l.*, so that the advantage on the part of Russia was as twelve to eight. Of the 8,000,000*l.* exports, only about 5,000,000*l.* consisted of British manufactures, the rest was colonial and foreign produce. Since that period the imports from Russia had increased; its hemp, tallow, and grain had been poured into this country in a continual stream. He wanted the document he moved for, to see if there was on the part of Russia any thing like a feeling of reciprocity in return for the inestimable advantages she enjoyed in her commerce with this country—advantages which had enabled her to carry into execution ambitious projects, which he was afraid would be found incompatible with the interests of every other country in Europe.

Ordered.

PAPERS RELATING TO GREECE.] The Earl of *Aberdeen* said, he had the honour of laying on their Lordships' Table the Supplemental Papers relating to Greece.

Lord *Durham* rose to ask the noble Secretary of State for the Foreign Department, what was the date of the first Paper now submitted to Parliament, in reference to this subject? and also whether the Papers contained a Copy of the Memorial of the Greek Senate, transmitted to the noble Earl by his Royal Highness Prince Leopold?

The Earl of *Aberdeen* replied, that the extreme anxiety shown by noble Lords opposite for the most ample information on this subject had induced him to lay on the Table all Papers that had passed between his Royal Highness Prince Leopold and himself, except such Letters marked "private," which his Royal Highness had done him the honour to address to him. In answer to the question put by the noble Lord, he begged to say that the first Paper now on the Table was a Letter of his dated January 31st, and the last was the memorial from the Greek Senate.

Lord *Holland* wished to observe, not however with a view of raising any captious question, that he never recollected any similar Papers being presented in a printed form to the House. The first page of the copy was manuscript, but the remainder was printed.

The Earl of *Aberdeen* said, that it was usual from his office, when Papers were presented by command of his Majesty, to have them presented in a printed form.

Earl *Grey* remarked, that the practice had always been such as stated by his noble friend (Lord Holland). He never knew it otherwise.

The Earl of *Aberdeen* observed, that the other course would certainly not cause so much delay in the delivery, for the printing took up considerable time. He knew not how long the practice had been to present Papers in a printed form; but he knew of late that such had been the course.

Lord *Holland* said, that there was always a motion to have Papers printed when they were laid on the Table; and when they were printed, noble Lords used to receive copies as they entered the House. He repeated, that he never before knew of printed Papers being presented to the House.

The Earl of *Aberdeen* said, that the practice had not been altered by him. He found the course he had pursued, in that and other cases, in existence in his office. But he would, if it were the pleasure of their Lordships, withdraw the present Papers, and present a copy in manuscript.

Lord *Holland* said, that as far as he was concerned, he had no objection to the Papers being presented in their present form, and he had only mentioned it on account of its irregularity.

Earl *Bathurst* observed, that the Papers he had presented to their Lordships had always been in manuscript.

The Earl of *Harrowby* said, that it had certainly been customary sometimes to present printed Papers, and in that form they were most accessible and useful to their Lordships.

Lord *Ellenborough* suggested that probably it would be better to withdraw the Papers now on the Table, and present written copies.

Earl *Bathurst* moved, that the House adjourn during pleasure.—Agreed to.

Sign Manual Bill.] After a few minutes, the Lord Chancellor again took his seat on the Woolsack, when Sir Robert Peel, with a large body of Members of the House of Commons, brought up the Sign Manual Bill, which had been agreed to without amendments.

HOUSE OF COMMONS,

Friday, May 28.

Minutes.] Petitions presented. Against the assimilation of Stamp Duties (Ireland), by Mr. Battie, from Thurles:—By Mr. Talbot, from Freeholders of the County of Dublin. For a Reform in Parliament, by Mr. Hobhouse, from Calne, Lancashire:—By Mr. O'Connell, from Nairne. For Relief under Distress, by Mr. Wm. Smith, from Norwich. For an alteration of the Duty on Foreign Flour, by Mr. Bramston, from Millers in the neighbourhood of Colchester:—By the Earl of Darlington, from the Millers of Stockton-upon-Tees:—By Mr. Bright, from Millers near Bristol. Against Slavery, by Mr. Bramston, from the Inhabitants of Chelmsford:—Against the Vestry Acts (Ireland), by Mr. Hutchinson, from Cloneen, Tipperary. Against the Roman Catholic Charities Bill, by Mr. G. Moore, from Sir H. Lees. Against the Pauper Removal Bill, by Mr. Pallmer, from the Overseers of St. Giles's, Camberwell. For the repeal of the Duties on Malt, and Sea-borne Coals, and against imposing a further Duty on Spirits, by Mr. E. Wodehouse, from the Farmers and others attending Hailesworth and Beccles Markets.

Perth Navigation.] Colonel Lindsay moved the Order of the Day for the further consideration of the Report of the Committee on the Perth Harbour Bill.

On the Clause appointing the Commissioners being read,

Mr. *Hume* moved, as an Amendment, that, instead of the twenty-six Commissioners now named by the Committee, there should be twenty-nine; and that the three additional Commissioners should be owners of vessels belonging to that port.

Colonel *Lindsay* observed that, if this Amendment was carried, the effect would be to put the Town Council into a minority.

The House divided on the Question; when there appeared:—For the Original Motion 76; For the Amendment 59—Majority for the Original Motion 17.

The Report agreed to, and the Bill ordered to be engrossed.

Clyde Navigation Bill.] Mr. C. Wynn moved the Order of the Day for taking into consideration the Petition of Jacob Dickson, the Provost of Dumbarton, relative to the decision of the Committee on this Bill.

Mr. *Home Drummond* stated, that this Petition was for the appointment of a second committee to hear an appeal against the decision of the first. He objected to the proposition because both those who had to receive and those who had to pay the sums of money directed by that committee were satisfied with its decision; and the only opposition proceeded from the petitioner. That person had long ruled the Corporation of Dumbarton, which had no just claim to any compensation; and now wished to get compensation, and to have that money paid to the creditors of the Corporation, of whom he himself was the most important.

Sir *J. Graham* argued, that it was never intended that the appeal committee, when appointed, should try questions of this sort *de novo*, and he referred to what had passed upon the subject during the debate, when the Standing Order for a Committee of Appeal was made.

Sir *R. Inglis* contended, that the resolution of the House would not bear the construction put upon it by the hon. Baronet, and that all that was required for the appointment of an appeal committee was the making out of a *prima facie* case.

Mr. *William Dundas* begged the House to pause before it opened the door to unnecessary appeals, for the sake of vexation and delay. He opposed the application.

Mr. *Sykes* observed, that the House could not be too cautious in granting the prayers of petitions of this sort. He verily believed that substantial justice had been done by the committee, and he was sure that every member of the committee was anxious only to do justice. He should not oppose the appointment of the committee of appeal, because the original committee had trenched on the province of a jury. Having been a member of the original committee, he should not vote.

Mr. *Kennedy* believed that the inhabitants of Dumbarton were entirely satisfied with the decision of the committee, but nevertheless, he wished the appeal to be allowed.

Sir *F. Freemantle* thought that sufficient grounds had been laid for the appointment of a committee of appeal, on two grounds, first, that the original committee had given compensation to the extent of 16,000*l.*, without due inquiry; secondly, that the lords of the manor were taken by surprise on the question of compensation.

Mr. *John Campbell* was of opinion that the first committee had exceeded its powers, and that the appeal ought to be allowed.

Mr. *C. W. Wynn* replied, and insisted that the present was exactly the case contemplated in the Standing Order. Substantial justice might have been done, but the parties were, and had reason to be, dissatisfied.

The House then divided:—Ayes (for the Appeal) 24; Noes 17—Majority 7.

GREECE.] Sir R. Peel presented papers, being communications between his Majesty's Government and Prince Leopold, respecting the Sovereignty of Greece.

THE ROYAL SIGN MANUAL BILL.] Sir R. Peel moved the order of the day for the Committal of the Sign Manual Bill. On the question that the Speaker do leave the Chair,

Lord *Althorp* said, that when the subject was before the House yesterday, he had expressed a wish that the physicians should be examined; and though they were informed of the King's health upon the responsibility of those who, from their situations, were bound to be scrupulous, yet he still confessed he should rather have had the testimony of the physicians. Upon reconsideration, however, he thought that as the intended duration of the Bill was very short, he would not press for the hearing of evidence by the House; but should it become necessary to renew the Bill between this and the close of the Session, he should feel it proper to call upon the House to hear the testimony of the physicians: at present he should not give the Bill any opposition.

Lord *John Russell* said, the only question that called for any remark was the effect of the Bill as a matter of precedent. As the indisposition under which his Majesty at the present moment unhappily laboured did not affect the Royal mind, he considered that the safeguards established offered sufficient security. As forming a precedent, care should be taken to guard against its being used as a pretext under which, in the event of the Royal mind suffering in any future reign, the Ministers for the time being might keep the King away from the members of his family, or otherwise abuse so great and important a power. He should have thought, therefore, that the examination of the physicians would have been advisable, and in all future cases that course, in his opinion, ought to be pursued. He was perfectly satisfied with the securities provided by this Bill; and if at any future time valid objections should be raised against it, the means of obtaining further securities would be still accessible. The Bill was now understood to pass under the full conviction of Parliament, that it had been informed, upon the responsibility of Ministers, that the Royal mind was not affected by the malady under which his Majesty was suffering, so as to incapacitate him from signifying his pleasure in any case where the Royal signature was necessary.

Mr. *C. W. Wynn* entirely concurred with the noble Lord who had just sat down, in thinking that the present Bill was chiefly important in the light of a precedent. It was important to mark the distinction between a new method of signifying the Royal pleasure and a delegation of the Royal authority. It was important, too, that the Bill should not be made to extend beyond a mere case of bodily incapacity for affixing the Sign Manual, and by no means to reach a case wherein the Royal mind might be affected, nor even a case where it might be necessary to delegate the Royal authority in consequence of its being thought material to the recovery of the Sovereign that he should altogether withdraw his mind from business. In such a case it would, of course, be quite right that the Ministers should call for the aid of Parliament in such delegation; but that was a remedy perfectly distinct from the present. As to the existing state of the Royal mind, they had abundant evidence in the form of the Bill, that it was not affected, while that form prevented abuse in case of mental incapacity; for the language of the Bill is, that the Royal assent must be given by word of mouth, which distinctly implied that it was to be given by a person completely cognizant of the nature of the instrument to which he was giving his assent. Hereafter it might be found that other precautions were necessary—and if so, they might be added —whether they were found necessary for the better prevention of abuse, or to guard against the present measure being drawn into any evil precedent.

The House resolved itself into a Committee. The Bill was ordered to be reported, without amendments; the House resumed; the Report was brought up, and the question put, that it be read a third time.

Sir *Robert Peel* wished to say in reply to an observation made last night, respecting the crime of forging the Royal Signature stamp, that in the Regency Act there was a clause, enabling his present Majesty, then Prince of Wales, to sign " George, Prince Regent," and the Act did not make the forging that signature treason, but forgery. On the present occasion, the precedent afforded by that Act, was strictly followed; and most hon. Members, he had no doubt, would consider the punishment of forgery abundantly sufficient for such a possible offence. The other precautions contained in the Bill better provided against forgery than would any extraordinary severity which they might introduce in the nature of a penal enactment.

The Bill was passed, and immediately carried up to the Lords by Sir R. Peel.

COURT OF SESSION BILL.] Sir M. S. Stewart presented a Petition from the Society of Writers at Dundee, and from the Society of Procurators before the Courts of Law in Perth, in favour of the Bill before the House respecting the Administration of Justice in Scotland.

Mr. *Cutlar Ferguson* objected to the Bill, as forcing a Jury-trial upon parties, whether they desired it or not. He was friendly to the Jury system in Scotland, but he wished to see the qualification raised.

The *Lord Advocate* said, that the qualification of jurors presented considerable difficulty. The jury system was not sufficiently understood in Scotland to give that weight to the opinion of the Judge which it ought to have. If the whole working of the system were looked to, it would be found that it had operated beneficially. It was a mistake to suppose that parties were compelled to accept a jury trial. There was nothing in the Bill to that effect.

Mr. *Robert Grant* inquired if the learned Lord intended to introduce bills in the course of the present Session, redeeming the pledge he had given for regulating the police of the Scottish Burghs, and for regulating gaols in Scotland.

The *Lord Advocate* said, he intended to lay a Bill on the Table of the House relative to Burghs, and afterwards submit it to a committee above-stairs. He also intended to introduce a gaol-bill this Session, to be discussed in the next.

Petition to lie on the Table.

STAMP DUTIES, (IRELAND).] Mr. *G. Moore* said, he had several Petitions to present against the proposed scale of Stamp Duties. One was from a meeting of Bankers held in Dublin, comprising men of all parties, and which was most respectably attended. These petitions pointed out how very injurious that measure would be to the interests of society, and they stated their conviction, that as a measure of finance its practical result would be, not the improvement of the Revenue, but the distress and dissatisfaction of the people. They represented also the inevitable consequences of the proposed alteration in the Corn-spirit duties, as involving the ultimate ruin of the Irish distilleries, and as calculated to give a fatal blow to the agricultural interests of Ireland. They stated their cordial satisfaction at the relief afforded to the people of Great Britain by a considerable remission of taxes; but they could not help deprecating the endeavour to supply the deficiency of revenue attending that relief, by imposing additional burthens on Ireland, at a time when she sustained with difficulty those already pressing upon her. They therefore prayed the House not to sanction any measure calculated to increase the taxation of Ireland. He should next present Petitions to the same effect from several of the municipal bodies of Dublin, and he must be permitted to say, that, from the unshaken loyalty to the British Crown, and firm attachment to British connection which have always characterised these portions of his Majesty's subjects in Ireland, he had a right to claim from every friend to both an attentive consideration of their feelings and opinions. The first was a Petition from the Lord Mayor, Sheriffs, Commoners, and Citizens of Dublin, in Common Council assembled. This Petition breathed the same spirit, expressed the same feelings and opinions on the proposed measures, and concluded by imploring the House not to sanction a perseverance in them. Another to the same effect was from the Corporation of Smiths, who expressed their reliance on the justice and wisdom of the House, to save Ireland from the threatened increase of taxation. A similar one came from the Corporation of Stationers, directed more particularly against that part of the proposed assimilation which was to increase the Stamp Duties on Newspapers and Advertisements, and the Excise Duties on the paper manufacturers and trade of Ireland. He had one also from the Corporation of Goldsmiths, complaining especially of the proposed enormous increase of duties on the manufacture of gold and silver plate; one also from the manufacturing Gold and Silversmiths of Dublin to the same effect; on this subject he had already entered somewhat fully, on the occasion of presenting a Petition from the Inhabitants of St. Audeon's parish. The last Petition he had to present was from the Chamber of Commerce of the city of Dublin; on this he must observe, that though on ordinary occasions the petitions of this body were signed only by their principal officers, yet so intense and general amongst the commercial community of Dublin was the feeling against the assimilation of duties, that a public meeting of the Chamber was held especially for the purpose, at which this petition was unanimously agreed to, and signed immediately by between 300 and 400 gentlemen of that body, which he might with truth assert, contained a large portion of the commercial wealth respectability, and intelligence of Ireland. This petition drew the attention of the House especially to the injurious effects on all the commercial interests of Ireland, which must inevitably flow from the proposed increase of the Stamp Duties; and in one paragraph, which he would take the liberty of reading to the House, it pointed out with distinctness and with truth, that the only just basis of an assimilation of burthens between the two countries, was to be found in an assimilation of the condition of their people. Having stated shortly the nature of these petitions and their claims to the attention of the House, he should not feel himself warranted to enter more fully into their details. This, however, he must say, that if there was one part of the proposed scheme of taxation in which they all concurred in feeling more strongly than another, it was that which affected the newspaper press of Ireland. He said that in all the feelings and opinions expressed in these petitions he fully concurred; and should an occasion arise requiring his strenuous support to the object of their prayer, he trusted he should not be found remiss. But still he could not abandon the hope, that when his Majesty's Government became duly impressed with the strong and universal sensation excited throughout all Ireland against the further progress of these measures, he could not, he said, abandon the hope that they would be ultimately relinquished.

Mr. *H. Grattan* supported the prayer of the petitions. The proposed Duties were not assimilating duties, but Revenue annihilating duties; and he was surprised that so soon after passing the Act of Emancipation, the Ministers, most of whom had been Secretaries in Ireland, should make this attempt upon the pockets of the Irish people.

Mr. *Bright* wished to know when it was, that the Chancellor of the Exchequer intended to give the House the proposed Stamp Act, as it would require several days' attention before the House could be called on to give its decision on the subject. When the Stamp Act came under discussion, he should feel it his duty to move that twopenny, threepenny, and sixpenny stamps should be repealed, as they were found most vexatious by the poorer classes of the country. He also objected to the Act because, as he understood, it re-enacted all the former penalties which were most oppressive.

The *Chancellor of the Exchequer* said, that he was perfectly ready to submit the measure on any open day; but he really had not yet had any opportunity of bringing it forward.

Mr. *H. Grattan* said, that he had received a letter from Dublin that day, respecting communications that had been made by some one to the Chancellor of the Exchequer; and which stated, that the Petition presented from the Chamber of Commerce did not really represent the sentiments of that body. He had also been informed that the Chancellor of the Exchequer had written, in reply, to thank his informant. He should be glad to learn from the right hon. Gentleman, whether he was rightly informed on the subject.

Mr. *H. Grattan* receiving no reply said, I shall conclude the Chancellor of the Exchequer has had such a correspondence.

The Petitions were ordered to be printed.

NEW POLICE.] Sir *R. Vyvyan* in moving for a Return of the number of persons employed in the Police of the Metropolis, said, he took this course from understanding that there were about 6,000 persons employed under that Act. It appeared to him that the measure altogether was one inconvenient to the public, and he trusted that when those papers were laid on the Table there would be such an expression of the sentiments of the country, that the Ministers would refrain from further increasing that body of men. All the parishes mentioned in the schedule of the bill were, he believed, already under its operation, and Government had the power of extending it ten miles round the metropolis. He hoped however, before there was any Order in Council to that effect, Ministers would allow the country to reconsider the subject. The hon. Baronet concluded, by moving "That an humble Address be presented to his Majesty, that he would cause to be laid before the House the number of men employed in the Police of the Metropolis under the Police Bill of 1829, distinguishing the grades of the persons so employed, and the specific number of each grade, together with the Pay and Allowance of all the persons employed; and also all the General Orders issued by the Secretary of State since the formation of the Establishment."

Mr. *Spring Rice* seconded the Motion. He was persuaded that the more the subject was considered, the more the country ought to rejoice in the changes that had been made; and with respect to expense, the property that was saved was more than equivalent to any additional expense by which the measure had been attended. He considered that this was a most constitutional force, and that the force it had superseded was one of the most anomalous, inefficient, and useless that had ever existed. He was not averse from the Motion, for he was satisfied that the more information we obtained concerning the Police, the more the public would be convinced that the change which had been made was a good one.

Mr. *Lennard* supported the Motion. He admitted that the new establishment had already been more useful than he had anticipated, but he was yet to learn that the old system could not have been so modified as to have produced equally beneficial effects. The hon. Baronet was, perhaps not in the House when the Police Bill passed, or he would have recollected that the hon. member for Bristol, and himself, had given to that Bill a strenuous, though ineffectual opposition. He was ready to acknowledge that this force, which was a sort of military body, might produce no mischief under the present Secretary of State, but in the hands of a different Minister it might be dangerous. It was a force on which the House ought to look with constitutional jealousy, and he hoped that the hon. Member who had now moved for these Returns, and other hon. Members who had opposed the Bill, would keep a watchful eye over it, or it might turn out very disadvantageous. As long as it was in the hands of an honest Minister like the present, it might do no harm; but in other hands it might be made the instrument of evil.

Motion agreed to.

Sir *Robert Peel*, who came into the House as these observations were concluded said, if he had been in the House when the hon. Baronet moved for these Returns, he should have taken that opportunity of stating that on this subject he was prepared to give the House the fullest information. All the orders which had been issued, both general as well as secret—if there were any, but in fact there were none,—he should be most willing to lay on the Table of the House. There was no sort of information connected with the Police that he was not ready to give. In order, however, to make the Returns to be laid on the Table complete, the House ought to know to what extent the Police had been brought into operation, and what was the extent of the districts it guarded. He would therefore move for an account of the number of districts to which the Metropolis Police had been extended, specifying the number of parishes, and the population of each parish according to the last Population Returns, with the total amount of the population embraced within the districts of the Police.

Mr. *Lennard* said, he had made no allusion to secret orders, for he did not suppose that any such had been given.

Sir *Robert Peel* said, if there had been any he should have been glad to have produced them, for he was convinced that the efficiency of the Police would be increased in proportion as it was exposed to the scrutiny of the House.

Lord *Encombe* said, if the Metropolitan Police were to be conducted on the same principles as that at Brighton, it would be purely a military body.

Sir *Robert Peel* knew nothing of the Brighton Police, except having seen the men. He had readily given all the assistance in his power to such towns as chose to form a police like the Metropolitan Police; but he had taken no other part in their proceedings, though he hoped, that every provincial town would form such a Police.

FISHERIES.] Mr. *W. Duncombe* presented a Petition from the Deep-Sea Fishermen and Fish-curers of the North Riding of Yorkshire, praying for a continuation of the Bounties on Fishing. He hoped the President of the Board of Trade (whom he saw in his place) would be able to state that he meant to give the industrious class, whose petition he had presented, the protection and encouragement they prayed for.

Mr. *Herries* said, that on a former occasion he had stated, that he was well aware of the importance of the Deep-Sea Fishery, and that the Government had determined to take the subject into consideration. He had stated at the time that there were great difficulties belonging to it, and that he saw no reason to encourage the hopes of those who asked for the continuance of the bounty. After consulting with the other branches of the Government, particularly that branch of it which regulated the finances, he was prepared to state that it was not the intention of the Government again to propose the continuance of the bounty on the taking and curing fish. It would be his duty shortly to introduce a bill to continue, for a limited time, that part of the establishment which had for its object the marking, and assorting, the cured fish. The utility of continuing that for some time longer was admitted, but beyond that he must say, that it was not the intention of his Majesty's Government to propose any further encouragement for the fishery.

Sir *R. Vyvyan* was exceedingly sorry to hear that such was the determination of his Majesty's Government. If there were one branch of industry which was an exception to the doctrine, that bounties ought not to be given, it was the fishery.

Mr. *W. Smith* was understood to say that the bounty of 1*s.* might be useful, but not the bounty of 4*s.* The branding and marking was, he believed, a useful part of the establishment.

Mr. *Pendarvis* agreed with his hon. colleague in expressing regret at hearing the determination of his Majesty's Government. There was a vast deal of capital employed in the Fisheries, which would be injured by that determination.

Mr. *W. Duncombe* also expressed his regret at the determination of the Government, which would throw a number of industrious people out of employment.

The Petition was read and ordered to be printed.

SMALL DEBT COURTS.] Mr. *Lennard* inquired of the right hon. Gentleman opposite whether the Bill for establishing Courts for the recovery of Small Debts was again to be brought forward?

Sir *Robert Peel* said, he was convinced of the utility of such a measure, and the reason why he had not again brought forward a bill on the subject, was the great difficulty of making compensation to the different persons who held freehold offices. There was at present a bill in progress for compensating all the holders of such offices, and when that was passed into a law, he should be ready to bring forward his bill again, or to support the more extensive bill of the hon. and learned member for Knaresborough.

Mr. *D. W. Harvey* suggested the propriety of reviving Courts that already existed for the recovery of Small Debts, which would do away the necessity of compensation.

Sir *Robert Peel* objected that the Local Courts alluded to by the hon. Member had not sufficient jurisdiction.

ASSESSED TAXES.] Mr. Alderman *Waithman* presented a Petition from the Inhabitants of the Parish of St. Luke, praying for the Repeal of the House and Window-tax. That Tax, if repealed, he believed, would give much more relief than the Repeal of the Taxes proposed by the

Chancellor of the Exchequer. During the last two years there were no less than 150,000 surcharges made by collectors of the Assessed-taxes. It was impossible to conceive a system more unjust or oppressive. Houses were valued according to their rack rent, and these Taxes being screwed up during a season of distress, had cruelly aggravated its pressure. In the parish of St. Luke's there were 50,000 inhabitants, and about 7,000 houses, and in this parish last year 36,000 casual poor were relieved. Of the 7,000 houses, 1,000 were too small to be rated. The sum raised for the relief of the poor in that parish, last year, was 24,000*l.* This was a state of things that could not last, and he cordially joined with the petitioners in asking for the Repeal of the Assessed-taxes.

Mr. *Bright* supported the petition. He believed, from calculations he had made, that there were not less than 170,000 surcharges within the last two years; but even taking the smaller number stated by the hon. Alderman, it was a proof of a most oppressive system. These Taxes ought to be repealed. The composition for them even had been productive of evil effects—it had separated the opulent classes, who compounded for these Taxes, from their poorer neighbours, and deprived them of all interest in procuring the Repeal of them. By the present system, the rich escaped, and the small shop-keepers were ruined. The abolition of the Shop-tax had augmented the rent of houses, and the House-tax being levied on the increased rent, that abolition had given little or no relief to the small shop-keepers. But so it ever was in this country. The aristocracy threw the burthens of taxation off their own shoulders on the shoulders of the humbler classes.

The *Chancellor of the Exchequer* did not mean, he said, to argue the question of the Assessed-taxes with his hon. friend; he only rose to remark one inconsistency in his statement. His hon. friend impugned the Composition Act, because it gave relief to the rich; but why did not the poor embrace the same opportunity of compounding? The way was open to them as well as to the rich; and if they did not compound it was their own fault. It would be his duty to introduce a bill, after the holidays, to continue the Composition Act.

Mr. *Monck* said, that the Assessed-taxes were most unequal and most unjust. He knew a gentleman of 3,000*l.* a-year who was rated at 40*l.*, and he knew several small shop-keepers, whose income did not exceed 200*l.*, rated at the same sum.

The Petition to be printed.

FREEDOM OF THE CITY.] Dr. Lushington presented a Petition from the Inhabitants of the Ward of Castle Baynard, complaining of the present restrictions on the right of voting in the City of London, and praying the House to adopt some measure for the extending the Franchise to all Freeholders.

Alderman *Wood* said, he was satisfied that none of the representatives of the City of London would object to an extension of the number of voters, although they were compelled to pay their respects to upwards of 14,000 in every three or four years, when an election took place. The prayer of the petitioners, if granted, would extend that number to 5,000 more, because it was undoubtedly true, that a very great number of the freeholders had it not in their power to become Liverymen. He was sure, however, that the Members for the City could have no objection to make them so, and he did not think there would be any great opposition to the measure on the part of the Liverymen themselves.

The Petition to be printed.

PARLIAMENTARY REFORM.] Mr. *O'Connell* said, that in conformity with a notice of long standing, he rose to apply for leave to bring in a Bill, for securing an effectual and Radical Reform of the Commons House of Parliament. Although he did not anticipate any very great degree of success to a motion of that kind, in a place where he feared there were but a very few Radical Reformers; and although he felt he did not possess such a degree of weight in that House as would enable him to enforce those great principles of constitutional right, of which he was about to attempt to be the humble advocate, yet he possessed the gratifying conviction, that those principles were widely spreading, and exclusively adopted by the most numerous and influential classes of society—that every day increased the advocates of those principles, and brought home conviction to every mind of their overwhelming necessity; and he was not more sure that to-morrow's sun would rise over the darkness of this night, than he was sure that the time was not far distant, when a full and effectual Reform would be forced upon the Members of that House, who, he hoped, would not be found unwilling to perform the duty then imposed on them. It was not a pleasant task for him to be compelled to arraign the conduct of men whose principles on other subjects he embraced, and with whom he was in the habit of holding social intercourse. It was not an agreeable task to arraign the conduct of an oligarchy, which boasted of some of the highest names of the country, bearing hereditary titles to the respect of their countrymen; but he was compelled to yield to a sense of duty which the task imposed upon him, however he might regret its necessity; and he would perform that task fearlessly and honestly, and with no unnecessary severity, beyond that which was required from a distinct exposition of the facts. The great question of Reform divided itself into two topics. The first of these resolved itself into the question—did abuses exist in the system of representation? That was the first point; and he thought he should be easily able to prove the existence of those abuses. But if he failed to make out a case of those abuses, of course there was an end to the question. If he succeeded, as he hoped, then the next question was, the remedy for these abuses. The subjection, therefore, was very simple; the topics embraced in it few; and although there might, in the bill which he proposed to introduce, be found some things offensive to the general reformers of the House, yet he calculated with confidence on the vote of every genuine reformer, for leave to bring in that bill, because, if any one thought he went too far, they might cut him short when the bill came to be considered, and endeavour to make its provisions adequate to their views of the subject. In order to make himself thoroughly understood in his views respecting Reform, it was necessary that he should explain what he understood by the meaning of the word Constitution. Before he entered that House he had hoped that it was understood to be a mixture of King, Lords, and Commons; but from something which fell from the right hon. Baronet opposite (Sir Robert Peel) in a debate a few evenings ago, he found that the Constitution was not to be considered as composed of King, Lords, and Commons, but of a King, Lords, and certain persons—a kind of Magnates, who represented by their influence all the authority of the people. He reverenced kingly authority. He was attached to hereditary succession. He thought it calculated, beyond every other Constitution, to protect individual property, and to confer a certainty on individual right. He also reverenced the certainty of hereditary succession, because it was calculated to check the hopes of inordinate ambition, and to restrain those desires which proved prejudicial to the general welfare. He preferred it either to despotic power on the one hand, or the oligarchy of a peerage on the other. Both had been tried, and both had failed to contribute to the permanency of human happiness;—the oligarchy being, perhaps, the more objectionable, because it sinks more numerous fangs into the privileges and possessions of the great body of the people, and spreads its oppressive powers over a more extended surface. It was the right, however, of the people, to balance both the Crown and the oligarchy—to control the tendency to despotic power in the one, and ambition in the other. In this country the people always possessed this democratic principle in its full extent, by their representatives returned to the Commons House of Parliament. This principle was established by the unanimous testimony of all popular authors who had written on the subject. It was the full extension of this principle that he contended for, and the only question was, what were the limits to be assigned to it? It belonged not to the Crown. It was not the privilege of the aristocracy. It was the third estate; there was no fourth recognised by the Constitution which could lay claim to it. If it were denied that such a power existed; it belonged to those who denied it to shew where else it was to be deposited. They must shew where this power resides before they can raise upon it the superstructure for which they contend. Blackstone states distinctly, that the Sovereignty resides in the people of this country. This was the language of that great expounder of the principles of the Constitution. In other countries, whenever the people received a Constitution at the hands of a despotic master, they were only half advanced towards freedom; they were slaves, receiving a certain portion of freedom from the hands of a master. In England the Sovereignty was in the people, and the only question was, in what manner that power was to be exercised? This established qualifications. And what was the explanation given of those qualifications by the author he had just quoted? Why that every man possessed a share in the Sovereignty, except that person who could be said to have no will of his own. These were his words:—"The true reason of requiring any qualification with regard to property in voters, is to exclude such persons as are in so mean a situation, that they are esteemed to have no will of their own. If these persons had votes, they would be tempted to dispose of them under some undue influence or other. This would give a great, an artful, or a wealthy man, a larger share in the elections than is consistent with general liberty. If it were probable that every man would give his vote freely, and without influence of any kind, then, upon the true theory and general principles of liberty, every member of the community, however poor, should have a vote in electing those delegates to whose charge is committed the disposal of his property and his life. But since that can hardly be expected in persons of indigent fortunes, or such as are under the immediate dominion of others, all popular states have been obliged to establish certain qualifications; whereby some, who are suspected to have no will of their own, are excluded from voting, in order to set other individuals, whose wills may be supposed independent, more thoroughly upon a level with each other." This was the case when the voters were divided into classes of slaves and villains; and when Henry 6th came to add a qualification, and to limit the right, by making exceptions, that very act itself proved the previous existence of the right. The two Statutes of Henry went purely to secure the independence of the voters. It was his business to attempt to give this same security to the same extent. He wanted nothing but the carrying into execution the true principles of the Constitution. Having shown, then, what were those real principles, he would ask what was the real state of the representation? Did the people really and truly return their representatives to Parliament? He believed that no man out of that House would dare to assert that they did; and it was by no means unusual to hear, even within the House, of the notoriety of the influence by which Members took their seats, and of the number of persons who sat and voted for this peer, or that boroughholder. As long back as the year 1792, an hon. Member of that House, now a noble Lord (Earl Grey), presented a petition, in which he offered to prove, that out of the whole of the Members of that House, 240 persons were returned under the influence of Peers. That 159 others took their seats by the interference of commoners, many of whom he perceived had since become peers. That twenty-three others were returned by Treasury boroughs, and only 134 came into the House as the representatives of the people. This was offered to be proved at the bar, and investigation was challenged as to the truth of the fact, that less than 2,000 persons returned a great majority of the Members of that House. If any man out of that House were to say, that the Marquis of Hertford, or of Cleveland, or of Stafford, did not return by their influence a number of the Members of that House, he would be assailed by ridicule and reproach. Was the fact denied? He was ready to prove it. Was it admitted? Could, then, the inference be refused? He would pass to the Standing Orders, which were voted before the commencement of any public business, and which that House had declared to be the rule of action for full 300 times. What were the words of one of those Standing Orders? "That it was a high infringement of the rights and liberties of Parliament, for a Peer or any other Lord to concern himself with the election of Members to serve in that House." Was that true? Was the act an infringement of the liberties of the House? He would ask the gentlemen of England if they asserted that which was untrue? Who would be so audacious as to say that they asserted that which was false? And if Members were elected in that manner, he would ask, was it not an abuse which required to be remedied? It was offered to be proved, in 1782, that seats in that House were bought and sold like stalls in Smithfield market. It was an uncourtly—it was a harsh expression—but it was true. He had heard it over and over again asserted in that House. He had heard the sums mentioned which were paid for those seats. A patriotic Member (Sir F. Burdett) had even lately mentioned the sum he paid during the minority of a certain noble Duke, for a seat in that House. The prices were managed somewhat like the prices of the public stocks. They were low or high, according to the supposed duration of Parliament. They were less when the maladies of certain persons in exalted stations excited alarm for their safety; and they were more or less valuable, according to the ideas of the stability of a ministry, or to the circumstances which might require it to seek for support. He insisted, however, on the constitutional privileges of the people; and although he might be told the system worked well, of which he would say more by-and-by, he should be content with nothing but the full, fair, and free representation of every class of the people. It had been said, that the Union with Ireland had improved the constitution of the House. But how many of the Members for Ireland were nominated by individuals? Nineteen or twenty of them: and those nineteen or twenty of course pursued the line of politics prescribed to them by their patrons. That was, however, far from being the only instance in which the Act of Union had sanctioned a base infringement on public principle. It was said, however, that notwithstanding all this, the system worked well. Let them consider how it worked. It appeared by recent returns, that seventy-eight Members of that House received salaries to the amount of 180,000*l.* on account of offices held by them, but from which they were removable at the pleasure of the Crown. It was well known that the power of removal had not been altogether unexercised. General King, the hon. member for Sligo, held an office from which he was removable at the pleasure of the Crown; and because he consulted his conscience, and voted against the Minister, from that office he was removed. This could not be denied. The fact was notorious. If it were said that it was a single instance, his answer might be, that a single instance was sufficient to prove his case. The hon Gentleman who had succeeded General King was, no doubt, a conscientious man; but the example of his predecessor was enough to show him that woe would be to him if he consulted his conscience, in opposition to the wishes of persons in power. There could be no doubt that, of the seventy-eight placemen who were Members of that House, many must, like Paley, be too poor "to keep a conscience." Let no man, who was not very rich, accept a place of that description. But even riches were not a sufficient assurance for independence of conduct. If the poor man had natural wants, the rich man had artificial wants—wants which became the more painfully pressing and craving under apparent repletion. Who could look at the opulent classes of society, and not see how frequently such was the case? Who was not frequently disgusted by the miserable spectacle of "pride that licks the dust?" Who had not frequently been compelled to regard with scorn the creatures who doated on stars, and garters, and ribands, and feathers, and other frippery;—and who for such things sacrificed the noblest possession of a human being—independence. He made no complaint against individuals. He did not assail individuals, he assailed the system. So far was he from assailing individuals, that he gave credit to many individuals for a disposition to carry into effect a more extensive Reform than the circumstances in which they were placed would allow them to gratify. But did the House forget what appeared in consequence of the motion so powerfully urged by an eloquent Baronet near him? Did it not appear that 113 members of his Majesty's Most Honourable Privy Council annually shared among them more than half a million of the public money? It was true that most of those persons belonged to the other House of Parliament; but it was also true that most of them had gone through the ordeal of ministerial attentions in the House of Commons. Such was the power possessed by the oligarchy of influencing both Houses, and of procuring majorities on any question in which they were interested. It might be said that, in former times, more persons actually received public money for corrupt purposes than the present. That might be, but it did not lessen the force of his argument. If the amount of money actually paid had diminished, the amount of patronage used for the same object had greatly increased. First there was the army—We had a tremendous standing army; a thing the very name of which our ancestors regarded with abhorrence. Our army consisted of upwards of 150,000 men; and the entire patronage of it was in the hands of those whose object it was to obtain majorities in Parliament. Then there was the Navy; the Church, both in England and in Ireland; the collection of the Revenue; and above all, the Colonies, that fruitful source of influence to the Government and ruin to the people. All this frightful accumulation of patronage was in the possession of those who, by the use of it, commanded majorities in that House, and voted away that public money over the disposal of which the people had a right to exercise a control. The expenditure of that money the people had a right to control, for it was their own. It was wrung from their hard necessities; and they had a right to determine by their representatives in what way it should be disposed of. It might be said, that notwithstanding all this—that although it was a violation of the principles of the Constitution for Peers to interfere with the election of Members of that House—that although it was contrary to all the principles of common sense that the people should have no control over their own property—yet that the system worked well. But did it work well?—Why there was not a part of the system which every friend of liberty would not wish to be changed. In the first place it gave complete impunity to every man in power; it gave complete impunity to every man engaged in the collection of the Revenue. If any person was injured or oppressed by the exactions of a tax-gatherer, he found himself surrounded with intricate forms and almost insuperable difficulties before he could even bring his action for redress. If that House were really returned by the people, an effectual check would soon be given to excessive exercise of the power vested in persons in authority and office. Then let the House look at the magisterial bench. It was a delicate subject; but did not the unpaid Magistrates of this country do almost what they pleased with complete impunity? Were not all the poorer classes of the people of England in the power of an irresponsible Magistracy? It was well known that the Court of King's Bench never interfered with the conduct of a Magistrate, unless corruption could be proved; and what Magistrate was such a fool as to afford the means of proof? He first arraigned the system for the irresponsibility which it secured. He then arraigned it for the state of the law generally. But for the condition of that House the state of the law would be reformed. Did it not require reform? That it did, was distinctly and clearly stated in his Majesty's Speech from the Throne—that it did was distinctly proclaimed in the several commissions which had been appointed on the subject.—The efforts which the right hon. Baronet had made to reform the law, and one of them especially, did him great credit, but they were insufficient. Legal nuisances of the most injurious description still existed in full vigour. There was the nuisance of the delay and expense of proceedings in Courts of Equity: there was the nuisance of five or six different modes of proceeding existing in the same country; there was the nuisance of a different code of laws in England, in Scotland, and in Ireland. Yet it was said that the system of law worked well, and that was said at the very moment when the whole nation was crying out that it had worked badly. But he would turn to other points. Did the system of representation in that House work well for the prosperity and happiness of the people of England? Had it not produced long and sanguinary wars? Had it not been the cause of all the bloodshed in America at the Revolution? Was not the country above eight hundred millions in debt? and was not that the result of this well-working system? He would defy any one to point out in history a more industrious people than the people of England; a more ingenious people than the people of England; a more prudent people than the people of England; yet, notwithstanding all their industry, all their ingenuity, all their perseverance, and all their prudence, they were loaded with a public debt of above eight hundred millions, and were staggering under the pressure of private distress. From every part of the country representations of that distress were every day pouring in; and could it be said that the system worked well? Having thus, as he conceived, amply made out his case of abuse, he now came to consider the remedy. That remedy should be strictly founded on constitutional principles. In the first place, he thought that Parliaments were of too long duration, and that they ought to be shortened. He was of opinion that they ought not to be beyond triennial. That was the period at which they were fixed at the Revolution, of which triennial Parliaments was one of the concomitant conditions. At the Revolution, the people of England cashiered a monarch, who was a bigot and a tyrant; and in so doing they did well. They determined also that Parliament should last but three years. He knew that there were two Statutes, the 4th and 36th of Edward 3rd, which declared that Parliaments should be annual; and he knew also that there had been much controversy as to the precise meaning of those Statutes, and whether it was intended to declare that there should be a new Parliament every year, or only a Session. On that subject Prynne had treated in the fourth part of his celebrated work. He did not, however, wish to go so far back into antiquity: he rested on the Revolution. He rested on the Statute of William, which enacted that Parliament should thenceforth be triennial. The next measure which he should propose as a remedy for the existing abuse was an extension of suffrage. Nothing could be more anomalous or more obvious to ridicule, than the present state of the elective franchise. In the English counties it was vested in freeholders of 40*s.* a-year; in the Irish counties in freeholders of 10*l.* a-year; in Scotland in certain feudal qualifications. The same absurd and fantastic variety existed in the boroughs. In some the right of voting was acquired by purchases, in others it was hereditary, in others it was the reward of servitude. The abuse was glaring; it was indefensible. A man who had never been in Colchester, or in some similar place, had, nevertheless, a right to vote for the representation of it. A merchant of London, with 50,000*l.* a-year, had no right to vote at an election for the City; but that privilege was possessed by a liveryman without a shilling. The remedy which he proposed was a constitutional one. It was, that every man of proper age and proper capacity should have the right of voting. In other words, it was universal suffrage. He would give every man the right which the Constitution intended he should have. What was the principle on which that House was founded?—That the life, liberty, and property, of every man in the country should be protected. That House had no right to take a penny out of the pockets of the people without the consent of the people. All who paid taxes, directly or indirectly, ought to have some influence in imposing them The personal liberty of the subject was affected, among other things, by the ballot for the militia. If a man's person and purse were at the mercy of the House, he had a right to have a share in forming it. He had already read a passage from Blackstone, in which it was stated, that the reason for requiring a certain qualification of property in a voter was because he might otherwise be dependent. But was there no way of making every man, however poor, independent in his vote? Would not the vote by ballot effect that desirable object? A poor man who voted by public suffrage might certainly vote in conformity with his own opinion. But he might also be liable to the objection which Blackstone had stated. Only throw the shield of the ballot over him, and he would vote in perfect safety. It had been said that a representative ought to meet his constituents boldly and openly in public. To that there could be no objection whatever. Let the Member be nominated in an open court. Let his conduct be discussed in an open court. Let time be given for considering his merits. But, if not elected at once by a show of hands, if subjected to the decision of a poll, then let the vote by ballot secure the independence of the voter. That was the mode of election resorted to by many gallant men and others associating in this Metropolis in Clubs, for the purpose of avoiding the inconveniences which might in many cases attend an open vote; and that was the system which, in his opinion, ought to be adopted in electing the Members of that House. The poor voter would then have equal power with the rich. It had been said that the sun burnt the colour of slavery on the negro. No such brand distinguished the Englishman. As the rights of all Englishmen were equal, so also ought to be their votes, and ballot would render them so. He felt much obliged to the House for the attention with which it had heard such an insignificant individual as he was address it on this topic. He had established the existence of the abuse, and he had pointed out what he conceived would be the remedy. In his opinion any little differences of opinion that existed among the friends of reform generally ought not to be allowed to separate them, and thereby to strengthen the enemies of Reform. There was a large debt of liberty due to the people of England. He should be happy to see it paid, even by instalments. He would take 10*s.* or 5*s.* in the pound if he could not get 20*s*. He called upon those who thought Reform necessary, to vote with him, although they might not agree in all his principles. The details of the measure might be a matter of subsequent arrangement. It might be said, by those who thought no time proper for Reform, that the present was an improper time. In his opinion no time could be more suitable. We had been at peace for fifteen years. We were not threatened with any war. The country was in a state of perfect tranquillity. The factions of religion no longer existed. All the members of the community enjoyed equal rights. The Protestant Dissenter stood by the side of the Protestant churchman, and the Roman Catholic by both: and he trusted they were equally ready to maintain civil liberty. There was abundant leisure. There were no great landmarks of the Constitution to repair. There was no animosity of parties. Ministers were not opposed to improvement. On the contrary, they appeared disposed to yield an unreluctant assent to it—and he sincerely believed that many of them would go the whole length of perfect reform if they dared to oppose the oligarchy. If the House looked at the state of the whole of Europe, it would see the necessity of establishing the principles of liberty more firmly in this country. The autocrat of Russia, having shouldered his brother from the throne, had a powerful military array which he was ready at a moment to pour forth. The despot of Austria had 350,000 men in arms. The despot of Prussia was equally prepared. In the south of Europe the bigot of Spain was earnest in his efforts to impose shackles upon the public mind. The vile Don Miguel persevered in treading down all constitutional freedom. In France, lately so volcanic, the earth began again to tremble. The monarch of that country, with a foolish attachment to ancient prejudices, feared to do justice, lest it should be attributed to weakness, forgetting the authority by which it was commanded to "Be just, and fear not;" and the crater, the mouth of which had been so recently stopped, threatened to re-open. This was a time, therefore, at which the friends of freedom in this country ought to rally. This was a time at which the principles of genuine English liberty, as exemplified in the English House of Commons, ought to be asserted and confirmed. In the political storms which history described, where was the standard of liberty ever found to be securely planted but on the English soil? The period was, perhaps fast arriving, when she must again stand forth an example to the world. Let her, therefore, re-establish the Constitution of her ancestors, and in doing so preserve the prerogative of the Crown, the rights of the Peerage and the liberties of the People. The hon. and learned Gentleman concluded his speech, by moving for "leave to bring in a Bill for the effectual and radical reform of abuses in the Representation of the people in the Commons House of Parliament."

Mr. John Wood seconded the Motion.

Mr. *Robert Dundas* said, if in rising to oppose the Motion of the hon. member for Clare, he offered no apology for trespassing on the attention of the House, he hoped that he should not on that account be considered deficient in that feeling of respect which would always influence his conduct whenever he ventured to take part in public debates. Had the House been called upon to deliberate on a subject of ordinary importance, he should have felt it more becoming, as on other occasions, to have remained silent. But, there were times and questions, like the present one, which involved the first principles of the Constitution—when it was the duty of every representative of the people, openly to declare his sentiments; and that was the more necessary on the present occasion, because this question of Parliamentary Reform was a second time brought before the House during the present Session, and because there was a disposition throughout some parts of the country to make it appear that the House was every day becoming less popular in its construction, and less careful of the rights of the people. As an advocate for popular rights, as a representative of the people, not chosen by that kind of influence which the hon. member for Clare so decidedly condemned,—he thought it was his duty to oppose the Motion. In the first place he did not think that the measures proposed would remedy the inconveniences of which the hon. Member complained. In the second place, so great a change as those measures would effect, with regard to what may be considered the most important branch of the Legislature, might injure the stability of the whole system of the Constitution. He would readily admit that the right of voting was neither the most uniform nor popular system that human ingenuity could devise, that it was not a system to serve as a model for a representative Government,—yet with every valued principle of our Constitution, it had borne the test of experience, had adapted itself admirably to the exigencies of the people in every period of our history, and however inconsistent it might appear with the regulations of a democratic government in a theoretical point of view, it had commanded the admiration of surrounding nations. It had been truly said by a great political writer that the liberties which we as a nation enjoy, were not the grants of Princes; "they are original rights and contracts, coeval with government, and coequal with prerogative: as such they were formerly claimed, as such asserted by force of arms, and as such maintained by that pertinacious spirit, which no difficulties nor dangers could discourage, nor any authority abate." If, then, we perceived that an early spirit of liberty existed in this country, and if it were admitted that this spirit had continued to influence the public mind in proportion to the progress of knowledge and general improvement; and if it were found that this spirit was not diminished; in short, if it could be proved that the popular part of the community exercised more influence in the councils of the nation than formerly, it might be a question for consideration whether, by the nature of our Constitution itself, and by the progress of events, that work was not proceeding which the hon. Gentleman wished the House, by an unprecedented enactment, hastily to accomplish? Were he not convinced that such was the case, he should say with the hon. Gentleman reform the Parliament. Not, however, in the manner proposed by him; by annihilating prescriptive rights, for which he must express some respect, but rather by remodelling the system of our representation on the ancient principles of the Constitution. When we looked into the early history of our Constitution, we found no system of representation similar to the one recommended by the hon. member for Clare. He would not enter into a lengthened statement of historical facts which must be familiar to all whom he had the honour of addressing, and which would satisfy them of the extent to which the democratic influence of the community had increased. He did not complain of this accidental effect, but he did not wish to extend it unnecessarily. Were the House to re-construct the representative system on the ancient footing required by the Constitution, it would be compelled to curtail, rather than extend, the right of voting. Let the House only consider for example, the qualification of voting in counties, and observe what was the original intention of the Constitution with regard to that qualification. It was enacted by a statute of Henry 6th, that a freehold of 40*s.* annual value should constitute a right to vote for a county representative; and how accurate was the remark of Mr. Justice Blackstone on this peculiar qualification. He stated, "that this freehold must be of 40*s.* annual value, because that sum would, in the reign of Henry 6th, with proper industry, furnish all the necessaries of life, and render the freeholder, if he pleased, an independent man; for Bishop Fleetwood, in his *Chronicum Preciosum,* written at the beginning of the present century, has fully proved 40*s.* in the reign of Henry 6th to have been equal to 12*l.* in the reign of Queen Anne; and as the value of money is very considerably lowered since the Bishop wrote, I think that we may fairly conclude from this and other circumstances, that what was equivalent to 12*l.* in his days, is equal to 20*l.* at present." Thus, by accident, the popular rights of the community had been extended, contrary, perhaps, to the original spirit of the Constitution, but in a manner which no admirer of a free constitution could condemn. The operation had been silent, but effective; and although the value of money had diminished, yet that claim to which the increasing intelligence of the people naturally entitled them, he meant a greater share in the election of their representatives, had been actually acquired. But the advocates for Reform here raised a formidable objection; and stated that the popular influence in counties received a vital check from the increasing power of the aristocracy, which had the means of returning Members to that House without popular interference. He could not discover that this influence, against which the eloquence of the hon. member for Clare so forcibly declaimed, had increased, or had even a tendency to increase. At no very early period of our history, this influence, which now extended to boroughs only, was predominant in the principal counties throughout the kingdom; and it was notorious, that in those days elections, both in counties and cities, were regulated by the Sheriffs and the resident nobility. He could adduce instances, in which Sheriffs neglected to return those members whose views were opposed to the Court-party. Even in the days of Queen Elizabeth, a period at which the most zealous writers in favour of popular rights must admit that some consideration was given to the voice of the people—persons were returned to Parliament in a manner which would not now be tolerated, even in places acknowledged to be the most corrupt, and most subjected to the control of individual influence. For example he would quote one case, which would astonish those who inveighed against the corruption of the present time. In the 14th and 18th of Queen Elizabeth, Dame Mary Packington, widow of Sir John Packington, made a return of Burgesses in these words—"Know ye that I, Mary Packington, have chosen, named, and appointed my trusty and well beloved Thomas Lichfield and George Burden, Esqrs. to be my Burgesses for my borough of Aylesbury." In the same reign peers openly interfered in elections, and practices were avowed, which in these days would subject the offender to very severe penalties. In former times, owing to the unwillingness of individuals to assert in Parliament the rights of the people, a defect which had been since removed, and owing to the persecution to which the opponents of arbitrary power were then exposed—liberty of speech, and liberty of conscience were suppressed; and if instances of bribery and corruption, to obtain seats in Parliament, were then less frequent than now, it was not that the privileges of the electors were more respected, or the penalties against individuals exerting undue influence, more severely exacted, but from very different circumstances. In those days, a seat in the House of Commons was a burthen, not a benefit, and it was not till the reign of Charles the 1st that individuals began to perceive that it conferred influence and power; and consequently as contests were unknown, there were few instances of corrupt influence exercised by the candidates. That corruption now existed could not be denied—that it prevailed in the most populous places, and the smallest burghs, must be admitted; but the main question for consideration was, would the measure of the hon. Member remedy the evil? In his humble opinion it would not. On the contrary, the extension of the elective franchise, if carried too far, might tend rather to aggravate it. In a country constituted like this, the wealth of the aristocracy affording the means, must give them the power of influencing the returns to Parliament, to a certain extent, whatever the right of voting might be, and although their influence might not then be exercised in a direct manner, as at present, yet it might in an indirect way, not less demoralising to the habits of the people. As a measure of Reform, the one proposed by the hon. Gentleman, subversive as it was of prescriptive rights, was incomplete in itself, and at variance with our laws. To render the measure complete, the hon. Gentleman must extend his principle to the other House of Parliament. If it were his wish to prevent the wealth of the country from exercising influence at elections, he must legislate against the accumulation of wealth. He should propose to alter the law of inheritance, and if his memory did not deceive him, the hon. Gentleman suggested such an alteration on a former evening. If the wealth of the country were more equally divided, there could be no doubt that the influence exercised by single individuals in returning members to Parliament would be lessened, and the voice of the people at large would have more effect. But such a system of legislation, however convenient to a republic, could not be advantageous to a monarchy; and he did not believe that there were twenty individuals in the House desirous of seeing such a system established in this country. No system could be more arbitrary than the law of succession in France. As long as an aristocracy was essential to the Constitution, and requisite to support the dignity of the Crown; as long as that class of individuals held a large portion of the land and wealth of the country, property would have its due weight in returning members to Parliament, whether the right of voting were placed on the most popular and uniform basis, or were varied and restricted as at present. He believed that were the most extensive right of voting admitted, the corruption would be greater, for the more indigent the voter, the more inclined would he be to sell his vote: and for a confirmation of this he would refer to the same passage of Blackstone which the hon. and learned Gentleman had quoted in support of his argument. The proposition to establish a ballot he rejected because that was a system injurious to the morals, and contrary to the feelings of a free people. In considering this most important subject in a practical point of view, it appeared to him that the power of the people had a tendency to increase, and that their liberties were more asserted in that House at present than at any former time. If a few individuals of wealth returned members to Parliament, it must be evident to the most superficial observer, that the House of Commons was not influenced in great popular questions by another Assembly, to which he could not more directly allude. Were the opinions of the people shackled by the control of the aristocracy to a dangerous extent, measures proposed to that House, with a view to extend popular rights, would not, he was sure, meet with general success. He referred to the bill passed last year, in support of his argument; he meant the Roman Catholic Relief Bill. That was a measure long considered as expedient by the House of Commons. It was defended by those who supported it, as a liberal and a popular measure, giving liberties and privileges to a large portion of his Majesty's subjects. On these grounds it was frequently recommended to the other branch of the Legislature, and at last forced on its consideration by a vote of that House. That went a great way to show that whatever influence existed among a certain class of individuals, in no way connected with that portion of the community supposed to be represented by the House, yet that influence was not carried to such a dangerous extent as to check public opinion, or control the sentiments of the great mass of the people. Under these circumstances he must give his decided opposition to the motion of the hon. member for Clare, and he should, on every occasion resist a motion for Reform of that House, in whatever shape it might be proposed, until it should appear by some more convincing arguments, or by his own experience, that that House, hitherto renowned as the first Legislative Assembly in the world, was no longer fitted to speak the sentiments of the intelligent part of the community, and to protect the liberties of this powerful monarchy.

Lord *John Russell* spoke as follows:—I cannot but feel, Sir, considerable embarrassment in arising to address the House on this occasion, because it is impossible to avoid observing that the motion of the hon. and learned member for Clare has placed me in a difficult and very delicate situation. Since the time when I brought forward a motion for general Reform, and when, in my opinion, all the arguments in favour of that proposition had been exhausted—and exhausted unsuccessfully—the subject had been permitted to rest in silence, until a noble Lord, in the early part of this Session, introduced a motion for Radical Reform. The hon. and learned member for Clare has now moved a resolution containing three main features. The first is that of triennial parliaments; the second, universal suffrage; and the third, vote by ballot—from all of which, I beg leave to say, that I most decidedly dissent. In consequence of this, I am placed in a very difficult situation; for either I must vote for what I do not like in the hon. Member's plan of reform, or I must join with those who oppose all reform whatever. Under all these circumstances, I must be allowed to return to the plan and the propositions which in former times I have myself brought forward. I must be permitted to recur to the principles I then advanced, and by proceeding thus I shall be enabled to give a negative to the motion of the hon. and learned Member, and afterwards propose a measure which I think to be founded on better and more constitutional principles. I agree with the hon. Member that it is very disagreeable for reformers to come into collision, and if he had confined himself to the first part of his proposition, though I do not approve entirely of triennial parliaments, and believe that parliaments elected for five years would be preferable to them under our present system, yet I do not think that I should be led to oppose him on that point alone. But universal suffrage and vote by ballot are measures that, in my opinion, are incompatible with the constitution of this country. I do not deny that there has been and may be a free and well-regulated government founded on such a plan of representation. I do not deny that the commonwealth of America is a well-constituted government, but considering our system—considering our Monarchy and our House of Lords, and remembering the state of property in this country, I do not think that the exercise of universal suffrage could end otherwise than in a collision that would produce either a democracy or commonwealth on the one hand, or an absolute monarchy on the other. Mr. Fox, Sir, however he might be violent in opposition to, or in pursuit of a particular measure, yet preserved a high degree of moderation in the most violent and strongest times. When Mr. Fox was speaking of the doctrines of equality, so much in fashion at the time of the French Revolution, he said "I too, Sir, am for equality. I think that men are entitled to equal rights, but they are equal rights to unequal things." To that observation, Sir, I adhere. I think that if universal suffrage were introduced, equal rights to unequal things could not, in the long run, be maintained. The hon. and learned member for Clare has truly said that this is a time of tranquillity, and that it is, therefore, the best time for introducing the discussion of this subject. I agree with him as to the fact, and I submit to him whether that tranquillity is not in a great measure owing to the circumstance that this doctrine of universal suffrage has been kept for several years out of the sight of the people—that latterly there have been found no popular leaders to recommend it, and that, consequently, safe and practical reform has been for years preferred by the mass of the people to more violent and sweeping measures. The first thing on which I found my plan for Parliamentary Reform is, that there has been of late a vast increase of property, for which we cannot find in the constitution of this House any adequate representation. This principle I have stated on former occasions, and I have gone so fully into the proof of the increasing wealth and intelligence—the means of information—and the capacity to form a right judgment—that I shall not go further into any of these topics now. I shall, therefore, at once proceed to read the resolution I mean to propose if the hon. Member's motion should be negatived. It is one which I have before submitted to a committee of this House. The resolution declares, "That it is expedient to extend the basis of the representation of the people in this House." The next resolution is relative to the manner in which that basis is to be extended. I say, in the first place, that there are many large manufacturing and commercial towns which have no representatives in the House. That is the first and most grave defect in the present system of representation. We feel it every day in the business of this House. We are really in want of representatives of the extensive interests connected with our woollen, iron, cloth, and silk trades, and with our shipping business. I will read a list of the towns which in the former bill I proposed should be entitled to send members to this House. I do not say that all the towns the names of which I am about to read should now at once be entitled to send members, but I think that within some limited period that privilege should be conferred on them. The towns are Macclesfield, Stockport, Whitehaven, Sunderland, Cheltenham, Brighton, Bury, Bolton, Wolverhampton, Birmingham, Dudley, Leeds, Wakefield, Sheffield, and North and South Shields. Five of these towns are the seats of the woollen and silk trade—three are engaged most extensively in the woollen-trade—four in the iron-trade, two of them, Cheltenham and Brighton, are towns with a large population; and, in my opinion, ought to send representatives to Parliament. I will add, that when giving representatives to the large towns, we should not omit giving two representatives also to Edinburgh, Glasgow, and Belfast. Many of our larger counties are insufficiently represented; and to them also I would give additional members. In those counties that have already two representatives, it would be inconvenient to add to the number. The present system, so far as it concerns them, works well, and I would not disturb their arrangement; but where the counties are very large, I should propose to divide them into two districts, of north and south, and to allow two members for each. The second resolution I should propose to the House, in pursuance of the principles I have stated, declares, "That it is expedient that members should be sent to Parliament by the large manufacturing towns, and that additional members should be given to counties of great extent, wealth, and population." I will now proceed to state the manner in which I propose to execute the purpose of that resolution:—The additional members I have proposed would make a large addition to the numbers in this House. In order to get rid of the objection to that addition, I should propose that many of the Cornwall Boroughs should only send one representative, instead of two, to Parliament; and that every borough with less than 2,500 inhabitants, should send only one member. I trust that will not be considered a grievance, particularly after the resolution I shall propose relative to this subject. The third resolution states, "That, in order to attain the object of the foregoing resolution, without inconvenience, it is expedient that the number of the smaller boroughs returning members shall not exceed sixty; and that boroughs with a population of only 2,500 shall not send more than one member to Parliament." This brings me to my last proposition. It would, no doubt, be matter of consideration with this House, whether, having deprived these boroughs of one member, it would be fit to give them compensation. I think it would not be a hardship to deprive them of this right, when it is considered that it is a trust for the benefit of the people; but it ought to be remembered, that it is at the same time a privilege conferred upon the electors. In the act giving the borough of Wenlock the right of electing members, it is called a privilege—in the act giving it to the county of Durham, it is called so likewise. As long, therefore, as they are not convicted of any offence which ought to deprive them of their franchise, it would be a better and more convenient way, to grant them compensation. That was the measure adopted towards Ireland, and that measure forms a precedent for this mode of conduct. The fourth resolution is, "That it is expedient to grant compensation to boroughs which lose their right of returning two members, the said compensation to be afforded by means of a fixed sum to be applied to that purpose by annual grants for several years." I have now done with the statement of what I mean to propose; but I cannot avoid taking notice of a general argument, which on these occasions is always introduced—that this House, as now constituted, practically serves the purposes of its constitution—that it balances the power of the House of Lords—that it controls the Crown—and that we ought not, therefore, to ask for any further improvement in it. Every year that I sit in this House convinces me more and more that that argument is not founded in truth. I think I have before proved, in a manner that cannot be answered, that in all the great divisions in this House, on questions when we are voting away the public money, of those members who are most entitled to be ranked among the number of the true representatives of the people—I mean the members for the counties and large towns—the numbers are two to one in favour of reduction of the public burthens; while the large majority of those who always vote in favour of the estimates is formed of members for boroughs. We are told this year, as a sort of consolation for the present state of things, that we are better than our ancestors of the times of George 1st and George 2nd. In the parliaments of the former it is stated that there were 270 placemen; and in the first parliament of George 2nd, it is stated that 257 placemen had seats in this House. Sir, I have had the curiosity to look at their proceedings, to see if their votes bore out what might be expected from such a return as to the formation of the House; whether I could find that constant majority of 250 voting in favour of every item of expenditure, and in opposition to every proposition for reform. The result is not at all what I might have expected. In 1717 the proposition of the Minister for the number of land forces was 16,000 men. That proposition, so far from being treated as a moderate establishment, was opposed by a very large party in this House; and on the motion to reduce the number, the reduction was supported by 125 votes, the original estimate by only 175. The ministerial majority was not therefore very considerable. Two other resolutions were then recommended as a consequence of the former. A sum of 681,000*l.* was proposed for the army. The opposition moved to reduce it to 620,000*l.*, and on the original question being put, the Ayes were only 172, while the Noes were as high as 158. I do not say that such a proposition was either just or generous; but such was in fact the conduct of that corrupt and place-holding parliament. Our conduct is so different from that, in the present days of purity, that we never think of making such a proposition; and yet we thank God that we are not extortioners. Indeed, so far are we from imitating such conduct, that when an hon. Member proposed that General military officers should not at the same time receive their military pay and hold civil offices, the hon. member for Westminster, whom none will accuse of favouring corruption, said, that not only the General officers ought not thus to be reduced, but that inferior officers ought also to be allowed to receive pay for civil services. At the period to which I am now alluding, 130,000*l.* was proposed as the vote for the half-pay; the proposition was opposed, and the Minister offered to reduce it to 115,000*l.*, but his offer was not accepted, and it was moved to reduce it to 94,000*l.* In this year, when we are so much improved, the vote for the full pay of retired officers was 104,000*l.*, and for the half pay of retired officers 720,000*l.* There is, I must say, considerable difference in the burthens of the people, and, it is true, there is also a considerable difference in their ability to bear them; but it certainly was better for the people to live under a corrupt Parliament with small burthens, than under this pure Parliament, which breaks their backs with its weight of taxation. At that period, too, the House passed a resolution, that all the vacancies in the establishments should be filled up by officers taken from the half-pay list; but a similar motion made a short time since by the hon. member for Aberdeen was unsuccessful. I do not know how to vote for the Motion of the hon. and learned Member; and yet I must say, that I wish success to its object, for the Parliament of this day is not so steady a guardian of the public purse as it is the fashion to represent it. It may be said, perhaps, that the times to which I have referred were times of great opposition; but I can support my argument by going into the corrupt times of Sir R. Walpole. In the first Parliament of George 2nd, every thing is said to have been most corrupt. In the year 1730 we shall see the course that Parliament adopted. The army then cost 651,000*l.*, and the forces for our colonies and plantations 160,000*l.*; and let it not be supposed, Sir, that at the time we had no colonies, New York, Carolina, Bermuda, and Jamaica, were then in our possession, and required vigilant guardianship to preserve them. So far from that sum being now sufficient to defend our colonial possessions, it is little more than sufficient to keep the Ionian Islands, which can hardly be connected with any agreeable recollections in the minds of the people of this country. The army now costs us 7,300,000*l.* a-year. In 1729, the whole supply for the defensive establishment, voted when we had subsidies to pay to foreign Powers, was 3,600,000*l.*; in 1829, when we were under less disadvantages, the supply voted for the same purpose was 17,620,000*l.* I think, Sir, I have shown pretty well, that much as we boast of the times in which we live, yet, as faithful guardians of the public purse, we are not entitled to all the praise we so abundantly claim for ourselves. It has been contended that, in those days, the influence of Government was far greater than it is at present; but this was so much the reverse, that on a favourite measure of the then Opposition, —a measure to disable those from sitting in Parliament who had any pensions or offices held in trust for them,—the Minister was defeated by a majority of seventy-four to sixty-four; and even the most reasonable propositions then brought forward by Ministers were defeated. I ask, then, what became of the 270 placemen who supported the Government? I will not go further with the votes of the House for the last few years. I have done it on former occasions; it is now unnecessary —for I will not rest my cause on anything but the declarations of the noble Duke at the head of affairs, and the right hon. Secretary. They have told us that the estimates have been reduced by two millions. Why is it that this sum of two millions has not been saved to the country until it pleased the Duke of Wellington and the right hon. Secretary to reduce it? Sir, I say, that if the House of Commons had done its duty, it would not have waited until his Grace came into office, but would, of its own authority, have revised the Estimates, and compelled the Ministers, by refusing the supplies, to reduce the sum more than two millions. And now, Sir, on what do I rest my hopes of reduction and reform?—on this House? No; but on his Majesty's Ministers, and on the effect of public opinion out of doors, which, somehow or other, has greater influence on them than even majorities in this House. Sir, I have now nearly finished what is to me an extremely disagreeable task. My present position I consider an unfortunate one. I think I am pledged to do what I am now doing, from the part I formerly took on this measure. I know my propositions make me liable to be accused on the one hand, of rashness and desire of innovation; and of hesitation and change of opinion on the other. I know I stand in the situation of a butt for attack upon both sides—attacks from those who wish to push Reform further than I wish, and from those who do not wish for Reform at all. But, Sir, the object of my proposition is, to improve the representation without doing injury to the Constitution. I wish to preserve the fundamentals of the Constitution, while I give to every individual his just rights. I consider my propositions are calculated to produce this effect, and whatever imputations may be cast upon me by the anti-reformers in this House, or by the violent reformers out of this House, I shall submit them as soon as the Motion of the hon. and learned Gentleman has been disposed of—a Motion which, I am bound to say, he brought forward with great temper and ability. But as I believe his views to be erroneous, and as I think his propositions injurious, I cannot adopt them, and know no course I could pursue except that upon which I have decided.

Mr. *Stuart Wortley* was understood to say, that he would, on all occasions, give a decided and unqualified vote against Reform. He complained that the hon. member for Clare's speech was of the same temper and character with those which he had made in other places, and the tendency of which was, that all property should be excluded from any influence in the House of Commons. It was, in his opinion, a fundamental principle of the Constitution, that property should be represented, and he was convinced it had a most beneficial influence on the House. The experiment of representing numbers and not property had been tried elsewhere without success, and in 1780 an American of high character and talents, who had been since elected to the Presidency (Mr. Madison) inquired if the principle adopted by the States, of representing persons only, was a wise one, and he demanded if it were not a more just idea that property should be represented. The hon. Gentleman argued at length against the introduction of universal suffrage, and of voting by ballot. He contended that the popular voice alone would have prevented every improvement which had taken place in the legislation of the country; that if universal suffrage had been in existence at the time of the Revolution of 1688, we should still have had the Stuarts on the Throne,—that if it had been in existence in 1715, the Protestant succession would have been set aside,—and that if it had been in existence last year, the Catholic Relief Bill would not have passed, nor should they have had the pleasure of hearing the hon. member for Clare that evening. That gentleman owed his place in the House to the resistance made in Parliament to the wide-spreading doctrines of Reform.

Lord *Althorp*.—Sir, with respect to the Motion before the House, although I agree in part with the hon. and learned member for Clare as to the abuses, yet with respect to the remedy for them, and more especially with respect to the mode in which that remedy is to be applied, I confess I have for some time laboured under very considerable difficulty. Sir, the hon. and learned Gentleman has moved for leave to bring in a bill, and in doing so he has stated his objects, and the principles of his intended bill. The first principle he proposes to introduce is that of triennial Parliaments; the second is that of universal suffrage; and the third is the election by ballot. So far as respects triennial Parliaments, I entirely agree with the hon. Gentleman, and I should be most glad to see a return to that practice. During the time, Sir, that this practice did prevail, the country flourished; no objection was raised against it, and the change to septennial Parliaments was merely the consequence of temporary causes which are no longer in existence. Every one who looks to the conduct of every Parliament at its beginning and towards its end must see at once that triennial Parliaments would give the people a powerful influence, and an influence that would be manifested in the most proper way. Actual experience of the system has proved, that triennial Parliaments were not attended with any danger; and that plan is not therefore a new experiment, but has been tried with success; and believing that if we restore it now it will increase the influence of the people, I am prepared to support a motion for the purpose, as I have heretofore done when a proposition for returning to triennial Parliaments came before the House. With respect to another point, that of election by ballot, I have already, in the course of the Session, expressed my opinion. I am still, after every consideration I could give the subject, of the same opinion—namely, that election by ballot would greatly diminish the expense of elections; that it would do away with improper influence upon the electors; and that it would allow them to give their votes as they pleased, subject, of course, to the action of popularity, and of the ties of feeling and affection. I now come to the main point of the hon. and learned Gentleman's Motion, which he has not put into his bill, but which he states in words to be Radical Reform; that is to say, Universal Suffrage. By what the hon. Gentleman has stated throughout his explanation, he makes this the main point of his proposed measure. I am a friend to Parliamentary Reform, not because I entertain theoretical views on the subject, but because I look upon it as a great practical question. I consider it a great evil in this House that there should be persons who are proprietors of a great number of boroughs—that there may be a combination amongst these borough-proprietors, and that great mischief may in consequence result to the country. The expense of elections produces one of the greatest mischiefs—namely, that the people are thus frequently deprived of the choice of those whom they would wish to send, and, therefore, anything that would destroy the practice now prevailing with respect to boroughs, and would take away the expense of elections, must, in my mind, be most beneficial to the country. I now come to the degree in which we should endeavour to effect a change in a practical point of view. Change is in itself an evil, and therefore, the less the change the more inclined shall I be to adopt it. I have never been inclined to entertain minute differences of opinion. If there be any proposition brought forward which will give the people greater influence than the borough-proprietors, and secure them that influence which they might properly, practically, and constitutionally employ, this is a proposition which I will support. But the principle of the Constitution is not that one class, but that every class, of the community shall be represented. This, however, will not be the case, if universal suffrage is permitted, for then but one class will be represented. In the Constitution, as it at present exists, although I admit not to a sufficient extent, every class is represented—not, I allow, in their proper proportions—and I should therefore like to see a greater number of Members sent by the people to represent their feelings and interests. With these views it is, that I support Parliamentary Reform. It may, I know, be said, that at the beginning of the Session I supported a motion, brought forward by my noble relative, from which I dissented in most of its parts. This I admit; but no other choice was left for me; if I did not support that I must have opposed the question of Reform altogether. But even that inconsistency was done away by my noble friend having given me leave to move for a committee, in which I should have been at liberty to support such a plan of reform, as I might deem not to be injurious. Entertaining these views, my decision is different from that of the hon. and learned member for Clare, because, although agreeing with him in two propositions out of three, yet the one which I differ from is so large and so comprehensive, that I cannot give my support to his motion.

Lord Viscount *Valletort* did not approve of the manner in which the hon. and learned Gentleman had brought forward this Motion. He did not wish to argue more than one question at a time, but, for all that, he must make a few remarks on the Motion of his hon. friend. When the comparison was instituted between a House of Commons with 257 placemen in it, and the present House of Commons, and the House was told that Parliament was subservient to the Ministers, they must suppose, as the subserviency had become greater as the number of placemen had been diminished, that if there were no placemen whatever in the House, things would be still worse. This argument reminded him of the old verse,—

> My wound is great because it is so small;
> Had it been greater there were none at all.

He entered the House with a strong feeling against the present Motion, and he wished to make a few observations in reference to the principles that had been advanced. He was of opinion, that at the present period, and in the present state of society, the House was, at least, as well able to judge of what species of Government was most beneficial, as those who lived in the primeval condition of society. We had experimental knowledge, and were, at least, as able to form an opinion upon such subjects as our ancestors. The assertion might appear bold, but he must say, though the Constitution secured to every man equal protection for his person, and equal enjoyment for his property, that it did not secure equal rights for all. There were constitutional rights, such as those then under discussion, which were defined by the law, and the House could not infringe them without violating the law, He admitted that the Members ought to represent the interests of the people; he admitted also that they were the constitutional guardians of the public purse; he conceded too, that the House ought to consist of persons connected with all the interests in the State, and that the public interests should have a connexion with their private interests, in order to excite Members to a sufficient degree of care and attention: he further admitted, that the Members should consist of persons having such an interest in the country, that they should think it vain to attempt the promotion of their own interests, without at the same time promoting those of the country; but in making all these admissions, he thought he had not given his opponents any ground whereon to rest the Motion. The hon. member for Westminster, as well as the hon. member for Clare, had stated, that the House, in point of fact, contains as much honour, and as much talent and ability, as ever had been congregated in any assembly. On this admission, he grounded his objections to the Motion. It might, however, be argued, that some influence prevented the Members from exercising their power and talents. He, however, had not even heard of any such influence, save the allegation of corruption; and if corruption were done away with, on the hon. Gentleman's showing, the House as it then was, would be one mass of perfection. The question therefore was one of degree; and if, as was admitted, a great number of those hon. Gentlemen whom he saw around him were not tools and puppets, to be moved at the will of some hidden mover, then what was to be thought of the degree of corruption? There might, however, be the influence of a party contemptible in every respect, consisting of factious demagogues; and would any one contend that such influence ought to be desired in this country? Would any one contend, that some popular declaimer against the Government, and who, perhaps, though declaiming loudest against corruption, would be the first to yield to it; would any one say that such was the influence that this country ought to be subjected to? He did not pretend to say that those who sat on the Ministerial side of the House were better than those who sat with the hon. and learned member for Clare; but there was no reason to believe, that those at that side were, to a certainty, better and purer than the Ministerialists. He did not mean to say that popular views ought, on the whole, to be disregarded; they were, no doubt, very beautiful in theory; but let it be remembered that the end might be a scene of difficulty and danger. He had heard the question of reform often argued, and perhaps it was not a subject on which he might be expected to stand forward. But he thought that his duty required him to do so, and he would never shrink from declaring before the world the sentiments he entertained. He wished it to be known, that the men who were opposed to what were called popular measures, were, at the same time, attached to rational liberty, and they would resist any inroads that might be made upon it. For his own part, he was as ready to make sacrifices on its behalf as any of those who were loudest in their demands for radical reform. Believing the measure proposed by the hon. Member to be injurious and unconstitutional, he should oppose his Motion.

Mr. *William O'Brien* also opposed the Motion. He did not think any advantage would arise to the community from the change proposed. The cases of republics were cited as affording proofs of the advantages of popular representation; but when we looked abroad and saw the greatest amongst them, he could not, he confessed, see much to envy in all that she enjoyed. He wished to say a few words in favour of the borough-system, against which so many and such violent attacks had been made, and by means of which it was alleged that so many branches of noble families found their way into that House. If it were true that so many did find their way into that House in the manner stated, as belonging to that class, he must be allowed to say that the other House of Parliament had constant accessions from that House, of men who had distinguished themselves in many instances as advocates of popular rights—and thus a practical compensation was established. It was indisputable, that no Administration could bear up against a system which would oppose to them a constant scene of factious riots and democratic violence and combination, where the best test of integrity would be held to be opposition to the Minister for the time being. The hon. Member then adverted to the influence of public opinion in that House, and concluded by expressing his deep sense of the unworthiness of the advocate, who endeavoured to support so great and so just a cause. But he believed that the love of the Constitution was engraved in the hearts of all, and he relied on that to do justice to his wishes, rather than to the weak defence he had pronounced of our ancient system.

Mr. *Hobhouse* assured the House, he should trespass upon its attention for a very short time, and say as little as his duty would allow. He should feel little embarrassment in stating the vote that he should give on the present occasion. In giving that vote he should be governed by a precedent derived from the conduct of a great man, a very great man, Mr. Fox, when voting upon a question of Reform introduced by another great man, Mr. Pitt, in the year 1785, when he brought forward a motion like the present, that the House should resolve itself into a committee of the whole House for the purpose of considering a bill, the object of which would be to effect a reform in the representation of the Commons House of Parliament. So completely, however, did Mr. Fox dislike the plan of Mr. Pitt, that were it any other case, excepting that of Parliamentary Reform, nothing would have induced him to support it; but rather than give a handle to the enemies of that cause, he did vote for it; so completely was he the friend of reform. Even if he, therefore, differed from the hon. and learned member for Clare, which he did not, he should still support his Motion for the reason given by Mr. Fox. In the speeches of the hon. Gentleman and noble Lords who spoke on the other side, the Members had heard their own praise sounded—a task that must have been pleasing to the individuals by whom it was performed, and which could not have proved unacceptable to the House itself—for who was there who did not desire to hear his own praises sounded? The hon. Gentleman who had spoken last described himself as unworthy to be the advocate of such a cause. Now, there he differed altogether from the hon. Gentleman; for he thought the advocate and the cause extremely well matched. He had done for the cause exactly what it deserved, which was just nothing at all, but he had all the merit of good wishes. Nothing could have been more remarkable and peculiar than the nature of that hon. Gentleman's advocacy; he pitched upon the case of the much calumniated boroughs; would he permit his recollection to be refreshed respecting those boroughs? He must have dipped into history sufficiently to know that those same boroughs were denounced by Pitt, Fox, Chatham, Grattan, Flood, and even by Mr. Burke, who of all men was the least of a Reformer. Burke spoke of them as the shameful and unseemly portion of the Constitution; and yet the hon. Gentleman thought proper to fix upon those boroughs as that part of the Constitution which most deserved his commendation and support. No doubt they owed to the borough-system the honour and advantage of seeing him in that House, and others who resembled him. He did not object to hon. Members like him to whom he was then replying, taking the bull by the horns, if he might so speak, and calling the attention of the House to the good which, in their own persons arose from the borough representation—showing, by their own illustrious example, that Parliament ought not to cut down the borough-representation. Personal, he would admit, that observation was; unfriendly it certainly was not; unpolite he hoped no one would call it. An illustrious and now departed man, who had spoken of boroughs on all occasions with the tenderness and consideration which was most grateful to their patrons, thought there was one exception to the rule, and that boroughs ought to be punished whenever they were detected *in flagranti delicto.* His motto was *deprendi miserum est.* His principle was to have them punished, not so much for the crime itself as for the greater offence of being caught—for being such clumsey reprobates as to allow themselves to be detected. They were punished, not so much for the purpose of deterring others from their evil practices, as with a view of reading them a lesson of caution. For himself he thought those were not the cases to be taken. He was an enemy to that imperfect and botching mode of amending the Constitution, and therefore he uniformly voted against those measures. It was alleged that if a different sort of reform were had recourse to, such as he always recommended, it would upset the monarchy, destroy the aristocracy, and throw the whole country into confusion. Now, he would quote upon that point the authority of one whom he should esteem a very great man, and one of the very highest authorities—he meant the great and immortal Fox—one whose whole life had been a continued up-hill struggle for the great cause of Reform and for the rights of the people; and it was at least satisfactory, that however great the difficulties which he had to contend against during his illustrious life, at least posterity had done him justice, which, though tardy, was ample. On all sides he was quoted as one of the greatest lights which had ever illumined the most enlightened country in the world —yet that was the man who, in a playful work of the late Mr. Canning, was described as the champion of democracy, as intent upon raising in this country the tri-coloured standard; and who, night after night, was described in that House as the enemy of his King, and respecting whom it was debated in Council whether or not he should be made the subject of a prosecution. He had reason to know that it was debated in Council whether or not Mr. Fox should be arrested, or whether or not some proceedings should not be instituted against him; and yet, now, was he not quoted on all sides as the authority from which there was no appeal? It was worth while, then, on a question like the present, to see what Mr. Fox had said. He described the whole system as a "gross outrage on all justice, as pernicious to all just Government, and as a scandalous stain upon the character of the people of England; it was calculated (he said) to corrupt and debase their principles, that men should enjoy impunity who gave 4,000*l.* or 5,000*l.* for a close borough, and that the very man who so paid that sum should make a speech in that House, and give a vote condemning a poor man, and sending him to prison from that bar, for the offence of accepting a single guinea to save his family perhaps, from starving, in consequence of the distress brought on by the votes of those Members in support of a war, unjust and ruinous." Those "thoughts that breathe and words that burn" ought to have paralysed to the heart the advocates of a system that vitiated the whole frame of society, that degraded the national character, and sapped the foundation of all legitimate patriotism. There was another part of what fell from the hon. Gentleman, in all the simplicity of his maiden innocence, to which he deemed it scarcely necessary that he should offer any reply: he meant where the hon. Gentleman spoke of the talent and the integrity of that House. It was rather too much that at this time of day, hon. Gentlemen should enlarge upon the talent and integrity of that House as a ground for resisting legitimate representation. It was too ridiculous to deny that corruption did exist; and if it did, it ought to be amended. Again, it was too ridiculous to raise the old and worn-out tale of Dorothy Lady Packington. Was the Legislature to be stopped in an act of justice, wisdom, and expediency, by an old story about Dorothy Lady Packington, which, from the time when it was first told by Mr. Canning had been annually renewed by the young Gentlemen who came forward for the first time upon the Reform question? Declining to dwell any further upon those points, he should proceed to call their attention, in addition to the authority of Mr. Fox, to some other authorities; for example, to a Proclamation issued in the year 1620 by King James 1st—a Proclamation composed by Lord Bacon, with the assistance of Lord Coke, aided by another eminent lawyer of that period, Mr. Crew. Many of the evils of that period they acknowledged were the same as those existing now. The difference between that period and the present consisted in this—that the Ministers acknowledged the evil, and prayed for a remedy; whereas, in these days, the evil was denied, and all propositions of remedy scouted; then the evil was admitted, and the Government begged the correction of it. The Proclamation of which he spoke was dated in 1620, and was addressed to the Freeholders, Burgesses, and others engaged in the elections of Members of Parliament, enjoining them not to elect bankrupts or other necessitous persons, mean lawyers, or young men not ripe for council. Here, then, they had pretty high authority for there having been improper men in Parliament in those days. He looked upon it too as authority for effecting a Reform in Parliament, and the fullest proof that the evils complained of at the present day were by the greatest men of that period, and even by James himself, pronounced to be evils demanding remedy; and when he saw the right hon. Gentleman issuing such a Proclamation as that, he should not quarrel with him as to the statement of the fact, for upon that point they should entirely agree. He agreed with the noble Lord near him, and with the hon. member for Clare, that the duration of Parliaments ought to be short; there could be no doubt of that, for it was from the shortness of Parliaments chiefly that people could hope to derive benefit. It seldom happened, that of the little done for the people, any of it ever was done at any time but towards the close of a Parliament—it was a species of death-bed repentance: as Swift described it, it was "giving to God the Devil's leavings." He begged to remind the House of the opinion of Sir William Jones upon the Septennial Act. He pronounced it to be one of the grossest acts of usurpation that had ever been committed by men in authority. It had been said in former times,

> Vidi lecta diu, et multo spectata labore,
> Degenerare tamen; nî vis humana quotannis
> Maxima quæque manu legeret. Sic omnia fatis
> In pejus ruere, ac retro sublapsa referri.

He was willing to allow a larger time than one year, but could not go the length of seven. With respect to Universal Suffrage, he would agree to it, though he believed that many friends, and sincere friends to reform, would not; and he must say, that he thought the best plan of reform was that to which the largest number acceded. Still, however, if he were called upon he would vote for Universal Suffrage. Upon this point the hon. member for Ipswich had quoted an Act of Henry 6th, but he begged to remind the hon. Member that the Act he had quoted was a departure from the Constitution. It was said, that the people were careless on the subject. The fact was, that the people were tired of petitioning. Let the House remember the excitement of 1817. Between that year and 1819, petitions were presented with one million and a half of signatures. Mr. Fox's objection to universal suffrage was, that the majority of voters would then be those under powerful influence, and all independence would be lost. He (Mr. H.) did not apprehend any such thing, but even that evil might be cured by voting by ballot. It was very well to talk of independence and magnanimity, *sed hic non est locus.* The object of elections was, that the people should make known whom they selected, and that was not done by the present method of choosing Members of Parliament. During 1795, and two or three subsequent years, no less than 100 acts had passed to secure purity of election. But had that object been attained? It was notorious that it had not. If the noble Lord would apply his mind to the subject of the ballot, he would find it was not so absurd as he supposed. He (Mr. H.) was formerly most decidedly against ballot, but after thinking on the subject, he was quite convinced that without the ballot there could be no real reform in the representation, and with it almost any plan would be successful. He thought these opinions were gaining ground out of doors. Let hon. Gentlemen not be led away by the notion that it was the wish of the reformers to destroy the just influence of property in the country. It was the wish of the reformers that the aristocracy should have its just influence. The right hon. Secretary had asked him (Mr. H.) the other night, whether if a tenant of his, an inn-keeper, should vote against him, he would not turn him out of his tenement? He would do no such thing. He knew a case exactly in point. A noble Lord, who was efficiently represented in this House, actually had one of his tenants, an inn-keeper, vote against him, and entertain the voters of the opposite party. What did the noble Lord do? On the next election his candidate went to the House, and the tenant heard no more of the matter. It was said that, by the system of the reformers, the worst part of the community would return the Representatives. Such was not the case. It was the meanest and lowest of the community who, under the present state of things, did return the Representatives, and who excluded the influence of talents and merit. It was to give property its due weight, that the reformers came forward, and wished to destroy the mock system altogether. He should certainly vote for the Motion of the hon. member for Clare.

Sir *R. Peel* said, the question was already so much exhausted, that he would not trouble the House with any general observations upon the matter at issue, but confine himself to the motions which had been made. There were two specific propositions before the House. The one was the Motion of the hon. and learned Gentleman, and the other the Amendment of the noble Lord. The Motion of the learned Gentleman embraced three topics—Triennial Parliaments, Vote by Ballot, and Universal Suffrage. The Act which altered Triennial Parliaments into Septennial, had been designated by the learned Gentleman a gross usurpation, and he had, on that ground, claimed the going back to triennial Parliaments; but he begged to observe, that the usurpation extended only as far as that one Parliament was concerned, which was elected for three years. With respect to future Parliaments, it had just as much right to make them septennial, as the present

Parliament had to make future ones triennial. But he was opposed to triennial Parliaments on other grounds; neither did he see how it could help the interests of which its friends declared themselves the advocates. The expenses of elections had been talked of; but surely the oftener they occurred, the more frequent must be the expense. It had been stated, that in clubs the vote by ballot prevailed, but he thought that there was a great difference between the cases; besides which, he altogether doubted the policy of exercising the elective franchise in secret; to him it appeared that it would afford ample cover for hypocrisy and deceit, if it did not altogether prevent that free canvass and discussion of the merits of the different candidates.—[Some hon. Member observed "they may have that too"]. No: if they did discuss those merits, unless hypocrisy was afterwards made use of, the landlord would have just as much power of discovering what the vote of his tenant was, whether the discussion took place in the public-house or on the hustings; neither did he believe that any assurance could be given that the ballot would be fairly taken. To whomsoever the task might be trusted, he would be placed in a situation of great responsibility. With respect to universal suffrage, he had only this observation to make:—If the learned Member had said, "I prefer a Republic to a Monarchy," he should have understood why that learned Gentleman wanted to have Universal Suffrage. But if he said that he intended to improve the Constitution according to constitutional principles, he ought to shew that there was a precedent in the Constitution for universal suffrage. There was no such precedent. Once grant universal suffrage, and that Monarchy which the learned Gentleman professed to admire—that House of Lords, for the existence of which, he said, he saw so many excellent reasons, would not long survive. If that House were to be the immediate organ of the people's will, it would not long be content with possessing only one-third of the legislative power—and the first moment in which there was an opposition on the part of the House of Lords to the expressed opinion of the Representatives elected on the principle of universal suffrage, that moment would endanger either the existence of the House of Lords, or change the state of the country, so as to prevent the action of Government. And let him tell the learned Gentleman, who had been so fond of referring to the times of the Revolution, that if universal suffrage had existed then, they never would have had that Revolution; for the voice of the people was decidedly for another form of Government. But the learned Gentleman had contended, that as the people paid for the public appointments, they ought to have a control over those appointments. Why did not that very argument show that as soon as they got possession of the elective power, they would also want the executive power? The only tangible instance that had been cited by the other side, was that of an hon. and gallant General, who had been dismissed from his office for voting against the Government; but did any one suppose that a State could ever be so constituted as that those who were opposed to the Government in opinion should form part of the Government? But even supposing that this circumstance gave a proof of a corrupt state of things, he could tell the learned Gentleman that universal suffrage would give no security from such dismissals from office: and in this ancient limited Monarchy there was infinitely less exercise of this power than in that republic where universal suffrage prevailed. In this country, when there was a change of Government, the removals were generally confined to those who held confidential situations, and all the subordinate officers were usually retained; and, on the contrary, he could assure the learned Gentleman from good authority, that when General Jackson succeeded to the Presidential Chair, his first act was to remove every individual from office—from the highest down to the lowest—even the very post-masters, who had been opposed to his interest. In his mind, that was a conclusive proof, that even if there were universal suffrage, there still would be no security against the removal of individuals from office. On these grounds, he was decidedly opposed to the Motion of the hon. and learned Gentleman. With respect to the Amendment of the noble Lord, he must say that he was also opposed to that. The noble Lord, referring to something that he (Sir R. Peel) had said on a former night, observed, that he had contrasted the present House of Commons with the Houses of Commons in the reigns of George 1st and 2nd; but that he (Lord

J. Russell) was ready to prove that there was more attention paid to the public interest in those times than at present. If this proved anything, it proved that there was no necessity for reform, for, as the noble Lord had observed, there were more Members of Parliament holding office formerly than now, so that the present defect, according to that argument, would be, that there were too few Members holding offices. The proposal of the noble Lord was such as to afford no satisfaction to those who sided with the hon. and learned Gentleman; and, if it were carried into execution, the consequence would be, that it would involve the whole country in great confusion. In particular the part of the proposition which referred to the compulsory disfranchisement of boroughs, appeared to him to be quite incomprehensible; he could not understand in what manner the pecuniary compensation was to be afforded, or to whom it was to be paid. But on still more general grounds he was opposed to the proposed Parliamentary Reform. The House was bound to decide this question on the most comprehensive views. They had to consider whether there was not on the whole a general representation of the people in that House; and whether the popular voice was not sufficiently heard. For himself he thought that it was; and that that House was not unduly influenced by the members of the other branch of the Legislature. The hon. and learned Gentleman had contended that the want of reform was the cause of the expensive and lengthened wars in which this country had been engaged. He begged leave to deny that assertion: for he did not believe that a House representing the wishes of the people would be a security against the recurrence of expensive wars. It never had been found in the experience of English history, that peace was very popular, or that war was very adverse to the sentiments of the people. He would admit that the people sometimes became tired of war; but war having been entered upon, it was then matter for the consideration of Government whether there were not circumstances to preclude an immediate treaty of peace. On these grounds, and not seeing that there were any grievances made out which called for Parliamentary Reform, he should certainly give his most decided opposition to both the measures before the House.

Mr. *Brougham* said, that the question of Reform had been so often discussed, that it was in vain to hope to be able to throw any new light on the subject, and he should therefore, as the right hon. Secretary had done, confine himself strictly to the two propositions before the House. With respect to the proposition of the hon. and learned Gentleman, to the greater part of it he could not agree; and as he did not find that there was any intention of dividing it into parts, he should be reluctantly compelled to vote against it. With two parts out of the three he could not at all concur, and therefore he was reluctantly compelled—he said reluctantly, because he was always sorry, reformer as he was, to vote against any measure of Reform—he was reluctantly compelled to oppose the Motion of the hon. and learned Member. In the proposition, however, of his noble friend, he entirely concurred, as he also did in the bulk of his Resolutions, which he apprehended to be both moderate and safe. He did not materially differ from what had fallen from the right hon. Secretary on the point of pecuniary compensation to disfranchised boroughs, for he saw great difficulty as to the way in which that principle was to be applied. He could not at all comprehend how the money was to be paid, or to whom it was to be given: perhaps the noble Lord might have some propositions on that subject which he had not yet brought forward; but as he (Mr. Brougham) was at present advised, he should be reluctantly compelled to differ from that part of the Motion. With respect to the other portions, however, they appeared to him to be moderate, reasonable, and eminently practicable; and he totally differed from the right hon. Secretary in the objections which he had taken to them. The first objection brought forward by the right hon. Gentleman was, the supposed difficulty that there would be in their application. Now he could not at all see that difficulty; and if there were points left unexplained in detail in his noble friend's proposition, it was no doubt with the view of explaining them in a committee, where alone those details could be fully entered into. But that there was any confusion as to what towns were to have the franchise, or which of their inhabitants were to vote, he could not believe, and he must say, that he had never heard a more chimerical objection advanced in the way of argument. Whether the population of a town consisted of 20,000, 30,000, or 60,000 inhabitants, surely the principle was just the same; and supposing, for the sake of argument, that the right of voting was to be invested in every inhabitant householder that had been rated for six months at a rent of 20*l.*, or of 10*l.*, that qualification would be equally applicable whether the town was situated in Devonshire or in Yorkshire—or whether its manufacturers consisted of cottons or of iron. It had been objected to his noble friend's plan, that it would require the counties to be divided into parts. His noble friend's measure would not require that. There was the case of Yorkshire, which now sent four Members to Parliament, each of whom prided himself on representing the whole of that county; and let Yorkshire remain as at present. He spoke in the presence of one of the potentates of that kingdom, and he knew that there was nothing which a true Yorkshireman prided himself on so much as keeping that kingdom entire, and doing everything that would prevent its being dislocated. One Member would not represent the North Riding, and another the South Riding, but each and all of them must represent the whole county or kingdom of York, causing, in his opinion, a great deal of mischief—a mischief that was nothing more or less than this, that at the next, or some general election, a contest would take place; some man would shake a heavy purse at his opponent and after shaking a little of the gold out of it, he who could not shake so heavy a one, after shaking a little of the gold out of his purse too, would go to the wall, and the people of Yorkshire would be represented, not by the man of their choice—not by the Representative for whom they could conscientiously vote—but by a man who was forced on them, crammed down their throats, not even by his merits, but by his money. With great submission to those who differed from him, he thought this was not the true way to have good Representatives for a county. The proposition of his noble friend would remedy the evil. He said, if Lancashire, or Devonshire, or Lincolnshire—he would take the three largest counties, each with its two Representatives—if either of these counties, from its size, its increase in wealth and people, became so important as to make it advisable to give it an additional representative, why then his noble friend would give it such an additional representative, and he would make him the representative of North or South Devon, or East or West Lancashire, as the case might be; and he would cause him to represent that part of the county, leaving the two Members for the other parts of the county. That was the proposition of his noble friend, to meet the evil which, in his estimation, was, perhaps, not the least urgent nor the least important. That he approved of. Then came the means of representing unrepresented towns. This was made necessary by the progress of times and circumstances, and he would justify it by saying, that if Birmingham, and Sheffield, and Manchester had existed 200 years ago as they are now, they would have had Representatives. He would try to supply the defects in our Constitution which would have been supplied by those who framed our Parliament and Constitution, if they could have foreseen that the hamlet of Brumage was to become the large and opulent town of Birmingham; or the manor of Manchester, the great seat of one of our principal manufactures, and, he believed, the second city of this empire—he would supply that deficiency, which would have been supplied two hundred years ago, if it could then have been foreseen that either of those towns would attain to the tenth part of its present importance. In doing this, he should only follow the example of one of the wisest men who had ever lived—one of the most cautious men, and at the same time one of the greatest reformers—he meant Lord Bacon—who had told us to imitate Time in our reformations, for Time was a great reformer, and ought to be our example; and, when we did not go willingly, compelled us to follow in his track. He would imitate Time, in giving that which Time demanded—not innovating, not overthrowing, not subverting the Constitution—but re-adjusting, bringing things back to their original, reasonable position, and supplying the deficiency, or rather carrying on the Constitution to the excess created by Time. To call such a renovation a change or a revolution, which was the way such propositions was generally met, was only a gross abuse of terms. He heard from the hon. Gentleman, and herein he differed from him, that this plan of reform would not satisfy either of the parties who desired reform. If he thought those reformers, who were called radicals, and who went the whole length with his hon. and learned friend the member for Clare, or his hon. friend the member for Westminster, if he thought that they were so beguiled by their own peculiar views—so jealous of every other reformer but themselves—so intolerant to all those who differed in opinion from them—so narrow-minded as to be unalterably wedded to their own exclusive notions, despising all others who did not go the whole length with them, he must own it would lessen his reliance on their judgment, and weaken his disposition to confide in them, if they rejected his noble friend's plan, because it did not meet their more extended views. He was sure, however, that was not the case, and that there was not one of them, whatever length he might carry his own views, who would not conceive that the practical views of his noble friend were deserving of support. Why did he say so? Why, his hon. friend, the member for Westminster, in one of the ablest and most intelligent speeches he had heard for a long time in that House, and who had shown himself diligently read in our Constitutional Law—a speech which the right hon. Gentleman had followed, but not answered—his hon. friend had in that speech represented himself as ready to take any reform, though it did not go all the length he wished, that embraced a great practical benefit. He had stated the grounds on which he could agree with his noble friend; and at the same time he had stated the points on which they were not likely to agree. As to triennial Parliaments, the only difference between them was, that he thought that to shorten the duration of Parliament without accompanying that by some other measure, would not reform the Parliament, but would make it a great deal worse. It would increase the expense, promote corruption, and defeat the elective system. Whether Parliament were elected every three months, or every six years, there was one party which, in all changes, under every variety of councils, in different hands, following different courses, was always the same—the Government—the Government which decayed not, which existed at all times, a corporate corporation which never died, which was always in possession of the same wealth, and the same patronage, derived from our overgrown establishments—the Government would not lose any of its influence or power by making the Parliament triennial. If the duration of Parliament were to be limited without that more essential measure which went to reform the Parliament and diminish the expense of elections, without that measure he entertained an opinion that it would not be advisable to shorten the duration of Parliament. If they shortened the duration of Parliament, without some measure, for limiting the expense, they would only strengthen the power of the Government; and though all parties were now agreed, on whatever side of the Table they sat, that the Government was only a trust for the benefit of the people, and was established to secure their rights and privileges, yet who could doubt, when the power of the Government was increased—when the increase of expense, by more frequent elections, strengthened the difficulty of opposing it—who could doubt that mischief might be the consequence, and that the liberties of the country might be lost by the ruinous expense of too frequent elections? Between the beginning and the end of a Parliament there was a great difference, and nobody who had seen a Parliament expire but must be aware of the striking difference there was between Members about to return to their constituents and those who were secure of their seats; and being aware of that, he could not fail to be sensible of the influence of a prospect of expense on the conduct of the Members. Who that recollected to have seen the expiring part of a Parliament, but must have observed the marked contrast between it and its commencement. Its latter days were remarkable for prudence, discretion, and a faithful looking to after-times. In its expiring moments it only thought of the fate that awaited it, and the tribunal before which it was so shortly to render up its account; but when, after a new election, it came back with renovated youth, and with a six years' life, it had no longer the same desire to deserve the good opinion of those to whom it owed its renewed existence; it no longer showed the same desire to save the public money or consult the public welfare. This was indeed a reason why he wished to see the duration of Parliaments abridged, if the expense of contested elections could be diminished; but he must repeat, that without a diminution of expense, it would only strengthen the government. As to Universal Suffrage, without pronouncing any positive opinion upon such a scheme, he must say, that at present he concurred with the right hon. Secretary in objecting to it; and his objections were still stronger to election by ballot. He might be allowed to lay claim to some knowledge of contested elections, having himself gone through them on four several occasions. He was well aware that some of the wisest men had come to an opinion favourable to universal suffrage and election by ballot, and this made him in some respect distrust his own judgment in differing from them; but he still did so, and was anxious to state the reasons why he thought their views were not well founded. He felt persuaded that election by ballot would not give the necessary security for the concealment of the vote, unless by incurring much greater evils than those which this measure professed to remedy. So long as a seat in Parliament was an object of general ambition, candidates and their partizans would be active in canvassing the country in all quarters and directions. Agents would traverse the country from one end to the other, would see the voters day after day, and eventually live among them. He spoke now on the supposition of there being a contest, and of landlords and tenants being enlisted in it. The agents of the respective candidates would importune each individual voter, till at last some one of them thought he had made sure of him. In all probability his landlord, on applying to him, would obtain a promise from him in these convincing terms: "I'll vote for you, and for you alone; you are my landlord, my benefactor; I fairly and honestly tell you, that no power on earth shall ever make me vote against you;" still meaning, according to those who defended the ballot, all the while to vote for his landlord's opponent. It would seem, however, that this evil was to be remedied by ballot. Well, the House would suppose this system adopted, and all due precautions for secresy being observed, the voter walking to the poll, and presenting himself at a sort of sentry-box made for the purpose. So far as mechanical arrangement would go, there was little difficulty in devising means to keep the matter secret; but various other points were to be taken into consideration. It was to be presumed that the ballotting instrument would be a sort of small pellat, with a certain stamp upon it, the forgery of which would be a grave offence. The voter might very easily put this pellat into the box, without the result of his vote being known at the time; but afterwards came the bustle and mob, and the consequent scenes attendant upon them; after having voted for the opposite candidate, he would, in all likelihood, go to congratulate his landlord on having won the day. Thus far for his ingenuousness. In all cases where there was a contest there would, of course, be conversation respecting it—the individuals who had voted would talk on the subject in their private walks, at church, after church, and above all, at the alehouse. Who then could tell him that such a person as he now described could be so much on his guard, as not to excite the slightest suspicion as to the manner in which he had given his vote? To observe such profound secresy he must say nothing whatever to his wife; nothing whatever to his children; nothing to his dearest friend, nothing to his pot-companion; no, he must be as dumb as the tankard which they had just emptied between them. That was the situation in which election by ballot was to place this worthy and independent freeholder for three long years, till the next opportunity presented itself for him to exhibit his rare qualities. After the election was over, the landlord, of course, would look to the books, in his eagerness to ascertain how they stood; seeing that he had perhaps only 50 votes after the 500 solemn promises he had received on consulting the book, and finding how the numbers stood, he might probably be told that the votes were wrong. This however, could not be, for they were all given by means of an unforgeable pellat. Every agent, on being applied to, would at once say, in order to vindicate himself, "I am quite sure they can't be any of my five votes, for I went to so and so—to Mr. this, and Mr. that—to Sir Robert this, and Sir Robert that; and all the Misters and all the Sir Roberts, gave me positive promises." This unexpected result would naturally set all the people on the watch to discover how the individual in question voted. If he should be bold enough to say to his landlord, "I voted against you," then he lost his farm; if he should be asked by him how he voted, and should answer "I won't tell you," then also must he lose his farm. If he should say "I voted for you," and his landlord should reply, "how can that be, from the state of the books?" all his asseverations in proof of the fact would be useless, both parties would separate with much suspicion on one side, and no good feeling on the other. Election by ballot would give rise to a continual system of vexatious watching and annoyance—[*hear, hear, from Mr. O'Connell*]. His hon. and learned friend seemed to doubt that it would have that effect, but he (Mr. Brougham), must now suppose that there would be bad landlords, crafty agents, and hard-hearted stewards; or if such characters did not exist, why have recourse to the ballot at all? Well, on the first discovery which took place, the landlord would make an example of one or two of his tenants, and the consequence would be, that the remainder would abstain altogether from the ballot, and not vote on either side.

Lord *Milton:* The landlord may turn them out for not voting at all.

Mr. *Brougham* proceeded—What his noble friend said was very true; but all that he wanted particularly to urge was, that the secret was sure to be betrayed, and must, at some time or other, come to the ears of the landlord. All these facts showed very clearly, how groundless was the expectation that election by ballot would accomplish the purpose in view. But here he might be permitted to ask, with much deference to his hon. and learned friend, and those who agreed with him on the subject, whether, though it must fail in this respect, it might not, at the same time, fully accomplish one of the blackest and foulest purposes of any that could debase and destroy the character of man? Whether it would not make a hypocrite of a man throughout the whole period of his existence? Whether it would not, as was forcibly described by an eminent writer, make him exist as a person whose

> "Whole life was one continued lie?"

Such a person must be perpetually on the watch against his warmest friends and closest connections; always tremblingly afraid to betray a secret, the discovery of which would be equally fatal to his interests and character. This was nothing more nor less than to lead a life of deception and fraud to the last moment of human existence. The character of an individual thus circumstanced was true only in its hypocrisy. The man who could for months conceal the manner in which he had voted—who could hold his tongue on that subject which was the universal topic of conversation—who could keep his secret from his friend and his wife, who would never mention it even at the ale-house, would be false to his country and his friend, and could neither be true nor faithful in any of the relations of life; nor would men believe him true, unless human thought were subverted. The result would be, either that the ballot would be altogether ineffectual, or it would be a little effectual—for it could never be very effectual, and that little efficacy would be purchased by the fearful sacrifices which he had endeavoured to depict. On this point, therefore, he differed from his hon. and learned friend. He agreed fully in the principle advocated by his hon. and learned friend, and his noble friend, but in the present condition of this country, and desirous as he was that it should continue to enjoy the benefit of a limited monarchy, which was the blessing of the nation—a blessing, no doubt, for which we paid a high price, and which was accompanied by some difficulties and embarrassments from which the form to which he had adverted was exempt, but which, on the balance, and looking at the dispositions and habits of the men amongst whom our lot was cast, was the wisest and the happiest form of government that could be adopted, he was anxious to perpetuate these advantages, and to preserve them from the jeopardy, he would not say of subversion, but even of encountering a shock. It was, therefore, his earnest desire to see the blemishes pointed out by his noble friend removed. The great wealth of these realms, the peaceable, industrious, and generally temperate habits of the loyal population, afforded ground for hope that this would soon be the case; and the circumstance upon which he most relied was the increased diffusion of knowledge, and the great general improvement in the situations and capacities of the people; and it seemed to him to follow as a necessary conclusion, from their improved state, that they should have a somewhat greater, he did not expect a much greater, but a somewhat greater share in the management of affairs than in former times the Constitution had allotted them. This was the deliberate conviction of his mind; not the random speculation of a reckless and wholesale reformer, who looked to no consequences, and disregarded the hazards of an experiment, but the impression of one who looked for a reformation, not a change of our Constitution, such a reformation as should make it the means of imparting the greatest practical benefit to the people of this nation.

Mr. *O'Connell* rose amid cries of "*Question.*" He said, that on both sides of the House an excellent debate had been carried on, not upon his motion, but upon one which was to be made at three o'clock in the morning, if the House should have the patience to sit so long. He complained of this as unfair treatment of the great subject which he had brought under the notice of the House, and he thought it right that the public should know that the question of reform had not been met by a manly negative on the other side—not by an acquiescence on that side with those who differed from him; but by a bye-battle, in which subjects were discussed which were altogether foreign to his motion. He could only say, notwithstanding, that the noble Lord should never bring forward any proposition tending to gain the least possible point in favour of reform in which he should not have his earnest though humble vote, however that noble Lord might disturb a debate upon a subject which fell into hands so humble as his. The grounds upon which he sustained his motion had not been touched. The right hon. Baronet had not denied the existence of the parliamentary corruption and abuse of which he (Mr. O'Connell) complained; nor had any of the hon. members on his own side of the House attempted to rebut the charge, or to question, or qualify in any manner, the facts of trafficking in boroughs, and of seats in that House being bought and sold like stalls in Smithfield. It was well, therefore, that the people should know that anxious as men might be to preserve the fruits of corruption, none were hardy enough to deny its existence. The right hon. Baronet objected to give the people of England their rights, arguing that the monarchy would be in danger if the influence of Peers were not maintained, and the corruption and barter of seats in that House perpetuated. Gracious God! was this a doctrine to be advanced in that House? He denied that the monarchy of England was based upon such principles as these. The monarchy would be undermined by the corruption against which he protested. The hon. and learned member for Knaresborough said, that the ballot could not be taken fairly, and he referred to the ballot in America in support of his argument. But why did the hon. and learned Member go so far? Why did he pass by a country much nearer home? Why did he not look to France, where there were 80,000 voters, and where, although there were 60,000 places which would be fit for the persons exercising this privilege, yet the people returned a majority—and how but by means of the ballot? The hon. and learned Member would protect the people from hypocrisy by making them slaves. As to triennial Parliaments, he should himself have been desirous to extend the principle further, but he took the example from a period of our history to which all men must look back with interest. In conclusion, he would say, that all who wished for reform ought to support him, and even those who differed from him as to details ought to agree with him as to the propriety of bringing in the Bill.

Mr. *Brougham* said, in explanation, that his observations, upon which the hon. and learned member for Clare founded the argument, that he would make the people slaves, proceeded on the supposition that the tenant had a harsh landlord, who would be disposed to enforce his power against him; not that he believed the people would suffer such power to influence them against their conscience and their rights. He admitted that slavery was worse than hypocrisy, except that the worst proofs of slavery were falsehood and hypocrisy.

The House then divided, and the numbers were—For the Motion 13; Against it 319—Majority 306.

List of the Minority.

Blandford, Marq. of	Rancliffe, Lord
Dawson, Alex.	Waithman, Alderman
Euston, Lord	Wood, Alderman
Grattan, Henry	Wood, John
Hobhouse, J. C.	Wyvill, M.
Marshall, John	TELLERS.
Marshall, William	Joseph Hume
Pallmer, C. N. (Surrey)	Daniel O'Connell

Lord *John Russell* then moved as a Resolution, "That it is expedient to extend the basis of the Representation of the People in this House."

For the Motion 117; Against it 213—Majority 96.

List of the Minority.

Althorp, Lord
Baring, Francis
Beaumont, Thos. W.
Belgrave, Lord
Benett, T.
Bernal, Ralph
Blandford, Marquis
Brougham, Henry
Brougham, James
Brownlow, Charles
Byng, George
Calvert, N.
Carter, B.
Cavendish, William
Cholmeley, M. J.
Clifton, Lord
Clive, Edward B.
Coke, Thos.
Craddock, Col.
Crompton, Samuel
Davies, Col.
Dawson, Alexander
Duncombe, Thos.
Dundas, Hon. Thos.
Dundas, Sir Robert
Easthope, John
Ebrington, Lord
Ellis, Hon. Agar
Evans, Col.
Euston, Earl
Fazakerly, John N.
Fergusson, Sir R. C.
Fitzgibbon, Hon. R.
Fortescue, Hon. G. M.
Fyler, Thos.
Gordon, R.
Graham, Sir James
Grattan, James
Grattan, Henry
Guise, Sir William
Harvey, D. W.
Heron, Sir Robert
Honywood, W. P.
Howick, Lord
Hume, Joseph
Hutchinson, J. H.
Jephson, O. D.
Kemp, Thos. R.
Kennedy, T. F.
Killeen, Lord
Labouchere, Henry
Lambe, Hon. George
Lambert, J. S.
Langston, James H.
Latouche, Robert
Lennard, Thos. B.
Lloyd, Sir E.
Lock, John
Lushington, Dr.
Macauley, J. S.
Martin, John
Marjoribanks, Stewart
Marshall, John
Marshall, William
Marryatt, Josh.
Maxwell, Harry
Macdonald, Sir J.
Milton, Lord
Monck, J. B.
Morpeth, Viscount
Normanby, Lord
Nugent, Lord
O'Connell, Daniel
Ord, William
Pallmer, N.
Palmer, Charles F.
Pendarvis, E. W. W.
Philips, George R.
Ponsonby, Hon. W. F.
Ponsonby, Hon. F.
Ponsonby, Hon. Geo.
Poulett, Lord Wm.
Poyntz, William S.
Prettie, Hon. F. H.
Price, Sir Robert
Protheroe, Edward
Power, R.
Ramsbottom, John
Rancliffe, Lord
Rickford, Wm.
Rice, Thomas Spring
Robinson, Sir George
Robinson, George R.
Rumbold, C. E.
Russell, Lord John
Russell, Lord Wm.
Sebright, Sir John
Slaney, R. W.
Smith, Wm.
Smith, John
Stanley, Edward
Tavistock, Marquis
Talbot, R. W.
Tennyson, Charles
Thomson, C. P.
Thompson, P. B.
Townsend, Lord Chas.
Tufton, Hon. H.
Waithman, Alderman
Ward, John
Webb, Colonel
Westenra, Hon. H. R.
Whitbread, William
White, Henry
Wilbraham, George
Wood, Alderman
Wood, Charles
Wood, John
Wyvil, M.

TELLERS.

Hobhouse, J. C.
Russell, Lord John

PAIRED OFF.

Anson, Hon. Colonel
Birch, John
Calvert, Charles
Davenport, E. D.
Denison, W. J.
Dundas, Captain Geo.
Guest, J. J.
Lester, Benjamin
Leycester, R.
Mackintosh, Sir James
Newport, Sir J.
Phillips, Sir George
Ramsden, J. C.
Rowley, Sir William
Robarts, A. W.
Sykes, Daniel
Taylor, M. A.
Wilson, Sir Robert
Wrottesley, Sir John

NORTHERN ROADS BILL.] Lord Morpeth moved the second reading of the Bill.

Lord Lowther objected to the Bill, as unnecessary; his Lordship was proceeding to state his objections, when

Lord *Morpeth* said, as there was likely to be a debate on the subject, and it would be an injustice to the Bill to take the debate at that hour, he should move that the debate be adjourned.

Motion agreed to and debate adjourned till Thursday.

HOUSE OF LORDS,

Friday, May 29.

MINUTES.] The Royal Assent was given by Commission to the Royal Signature Bill, the Malt Duties Bill, the Leather Duties Repeal Bill, the Navy Pay Bill, and to one hundred and one private Bills.

HOUSE OF LORDS,

Thursday, June 3.

MINUTES.] Lord Combermere, on his creation as a Viscount, was introduced by Viscount Lorton and Viscount Beresford, and took the Oaths and his Seat.

Petitions presented. By Lord KINNOUL, from the Agricultural Society of Perthshire, against an increase of the Duty on British Spirits. By the Bishop of LICHFIELD and COVENTRY, from Coventry, against the Punishment of Death for Forgery:—By Viscount LORTON, from Reading:—And by Lord DURHAM, from Northampton. By Lord TEYNHAM, from Burwash and Salehurst, against the Malt and Beer Duties. By the Earl of SHAFTESBURY, from Henley-upon-Thames, against the Punishment of Death. By Lord KING, from Oldham, in Lancashire, praying for a Reform in Parliament.

GREECE.] The Marquis of *Londonderry* observed, that although the papers now before the House afforded a mass of information upon the subject of the proceedings of the Allied Powers with regard to Greece, yet, as there had been diplomatic transactions of three years standing, it was quite clear they could not furnish all the information which the nature of the subject demanded. There were some parts which he wished to be clearly made out, especially with respect to the conduct of Russia towards Turkey, and he, therefore, wished to ask the noble Earl, whom he saw in his place, whether there was any objection to give the House copies of the Despatches of our Ambassador at Constantinople, relating to the mode in which the assent of Russia had been obtained to the giving up of two millions of ducats that she at first claimed as compensation from the Porte. He also wished to know whether there was any objection to furnish copies of the Conferences held at Poros.

The Earl of *Aberdeen* answered, that the reason why the copies of all the conferences had not been given was, that the substance of them was embodied in the Protocols that had been laid on the Table of the House. As to the copies of the despatches, he could not give any answer till he had had time to consider how far the interests of other powers, as well as of this country, would be affected by laying them on the Table.

The Marquis of *Londonderry* said, that the noble Earl must perceive it was essential to arrive at the point to which he had already referred, namely, whether Russia had abandoned so large a portion of the compensation she claimed from the Turks, merely in order to induce Turkey to concede what was demanded from her by the Allied Powers, or whether Russia had other motives for that concession.

Lord *Holland* asked the noble Earl opposite, whether he was clearly to understand it to be the noble Earl's intention to lay before the House copies of the conferences that had taken place at Poros. He wished to know whether the fullest information would be afforded with respect to the disputes relating to the boundaries of Greece; and also whether any person had been specially deputed by his Majesty's Government to attend the discussions upon that subject.

The Earl of *Aberdeen* said, that he believed in the copies of the Conferences at Poros the noble Lord would find all the information he required. A very full report of the discussions referred to would be found in them. No person had been specially deputed to make such a report, but he believed the noble Lord would find the papers very full upon that subject.

Lord *Holland* had asked the question, because, having attentively gone through the mass of those papers already before the House, he really was unable to divine the reasons which had induced the Allies to change the boundaries of Greece as settled by them on the 22nd of March. Now, as that change was one of a most important nature, he really was most anxious to know the reasons which had induced the Allied Powers to make it.

HOUSE OF COMMONS,

Thursday, June 3.

MINUTES.] James Hewett Massy Dawson, Esq. took the Oaths and his Seat as Member for the County of Limerick.

Returns ordered. On the Motion of Mr. HUME, the Salaries and Allowances received by each of the Judges of the Courts of King's Bench, Common Pleas, and Exchequer, in the year 1792 and in the year 1829, stating the sources from which the same were paid:—The Salaries and Allowances received by the Commissioners of the General Assembly of Scotland, stating the sources from which the same were paid:—And the Sums paid to the Clergy of Scotland in the year 1829, stating for what purposes and from what sources the same were paid, with the amount to be paid in the present year.

The Fees Abolition Bill was passed. A Bill was brought in to regulate the Salaries and Emoluments of the Masters in Ordinary of the High Court of Chancery; and a Bill to regulate the Office of Registrar and Keeper of the same Court.

Petitions presented. Against the Stamp Duties (Ireland), by Sir H. PARNELL, from the Freeholders of Queen's County. In favour of Poor-Laws for Ireland, by Mr. BENETT, from Mr. B. Wells. Against the Vestry Act (Ireland), by Mr. O'CONNELL, thirteen Petitions. For the more speedy recovery of Small Debts, by Colonel DAVIES, from the Inhabitants of Worcester. For the Repeal of the Hop Duties, by Mr. CURTEIS, from Seddlescombe, Sussex. Against the Parish Vestries Bill, by Sir G. COCKBURN, from the Overseers of Plymouth. Against the Scotch and Irish Pauper Removal Bill, by Mr. Alderman WOOD, from the Overseers of St. Giles's, Cripplegate:—By Mr. SYKES, from the Overseers of Kingston-upon-Hull:—By Mr. HUSKISSON, from the Overseers of Liverpool:—By Mr. WM. SMITH, from the Overseers of Norwich. Against the Assessed Taxes, by Mr. HUME, from J. L. Schroder, of Isleworth. For a Reduction of the Duties on Sugar, by Mr. HUSKISSON, from the Merchants of Liverpool. Against the Northern Road Bill, by Lord LOWTHER, from certain Innkeepers and Coach Proprietors:—By Lord T. CECIL, from the Mortgagees of the Tolls of Wansford Bridge and Stamford Turnpike Road:—By Colonel SIBTHORPE, from the Inhabitants of Grantham:—By Mr. T. CHAPLIN, from Proprietors of Estates near Stamford:—By Mr. HEATHCOTE, from the Mortgagees of certain Turnpike Tolls. For Parliamentary Reform, by Mr. O'CONNELL, from Oldham, Lancashire. For the Abolition of Slavery, by Mr. SYKES, from the Unitarians of Kingston-upon-Hull. In favour of the Jews, by the same hon. Member, from the Unitarians of Kingston-upon-Hull. For the Abolition of Slavery, by the same hon. Member, from the Unitarians of Hull.

IMPRISONMENT FOR DEBT.] Mr. *Hume* presented a Petition from an individual of the name of Joseph Henry George, complaining of the hardship of Imprisonment for Small Debts. The petitioner stated, that he was confined under sentence of the Borough Court of Requests, for a trifling demand, to the great injury of himself and his large family, and instanced cases of individuals being imprisoned one hundred days for debts of 64*s*., and forty days for demands of 4*s*. The hon. Member observed, that Imprisonment for Small Debts was one of the greatest evils to which the lower classes were liable, and pressed upon the right hon. Secretary (Sir R. Peel), the propriety of abolishing imprisonment for sums under *5l.* A keeper of one of the London prisons had informed him that the City was put to greater expense in supporting persons imprisoned for small debts, than would suffice to pay the entire amount of these demands.

Mr. Alderman *Wood* said, there could not be more respectable men than the commissioners of that court. He agreed that the present system of Imprisonment for Small Debts was extremely mischievous.

Mr. *C. Calvert* said, that if the worthy Alderman could find any city fund out of which such debts could be paid, his constituents would be very thankful for the discovery.

IRISH VESTRY ACT.] Mr. *O'Connell,* in presenting Petitions from Parishes in the County of Cork, against the Vestry Act, said, that the petitioners all complained of the oppressive operation of this Act, the imperfection of which was admitted by Ministers, yet they refused to amend it.

Sir *R. Peel* said, the hon. and learned Member was quite mistaken—Ministers did not refuse to amend the Act. They refused to pledge themselves to adopt a particular remedy, on the offer made for the withdrawal of the hon. and learned Member's motion on the subject; but they expressed themselves willing to take the whole question into consideration, with a view to the amendment of the Act.

Mr. *O'Connell,* in moving that the petitions do lie on the Table, begged to say, that he was right in both his positions: first, that Ministers admitted that the measure required a remedy; and, secondly, that they—he would not say refused, but they did that which looked very like a refusal—they strongly declined to take measures to amend it.

Sir *R. Peel* would assert, that Government neither refused nor declined to amend the Act. They admitted that it required consideration, and that they were disposed to consider it; but they refused to pledge themselves to a particular course, which was suggested by the hon. member for Limerick, as a condition on which the hon. and learned Member's motion on the subject was to be withdrawn.

The Petitions were ordered to lie on the Table.

Mr. *O'Connell,* in presenting a similar Petition from Ballybay, said, that the Government had postponed the amendment of the Act indefinitely, and if that did not look like declining to amend it, he did not understand the English language as well as he did the Irish.

LAW OF DIVORCE.] Dr. *Phillimore* said, that the subject which he had to bring forward was one of great importance, for the Law of Divorce in this country was different from that of any other country in Europe. By the Roman Catholic Church, marriage was elevated into a sacrament; and, by a canon, rendered indissoluble even in the case of adultery. But in Protestant Europe the pronouncing of a divorce at once gave the parties concerned the right of marrying again. In England the case was very different. The Ecclesiastical Court could only pronounce a divorce *a mensa et thoro*, and the party seeking relief entered into a bond that he would not marry again during the life of the other party. Of late years indeed a practice had been growing up of applying to Parliament in each particular case to grant a Bill of Divorce. This was, strictly speaking, a new law for every case; it was a bill of pains and penalties against the offending party, and though it was a remedy, it was not even open to the middle classes of society, who could not afford the vast expense that was incurred in procuring such an act. The first case in which any parliamentary Divorce was applied for was that of the Marquis of Northampton, in the year 1547; he had obtained a Divorce in the Ecclesiastical Court; but the question arose, whether the Reformation having taken place since the last case, the Divorce was *a vinculo matrimonii* as well as *a mensa et thoro.* The question was looked upon as so important, that a commission was appointed, consisting of Archbishop Cranmer and nine other divines, to inquire whether the Lady of the Marquis of Northampton was still his wife. The Marquis, without waiting for the decision of the commissioners, married again, alleging, that the Ecclesiastical Divorce was good, and that marriage, which was dissoluble before, had been made a sacrament by the Church of Rome. The decision to which the commission came was, that it was not safe to consider the Divorce as perfect without an act of Parliament. Application was accordingly made to Parliament, and an Act obtained, but Queen

Mary succeeding to the Crown in the following year, it was set aside on the ground that it had been obtained from private views. In the beginning of Queen Elizabeth's reign it was generally held that Ecclesiastical Divorces were valid, and such continued to be the law of the country till the end of her reign. It was then totally changed, and it was held that Ecclesiastical Courts could not grant Divorces *à vinculo matrimonii.* He would borrow the language of the learned reporter, Mr. Sergeant Salkeld, upon whose authority he mentioned the fact—to express it, Sergeant Salkeld said, "A Divorce for Adultery was anciently *à vinculo matrimonii*, and therefore in the beginning of the reign of Queen Elizabeth, the opinion of the Church of England was, that after a Divorce the parties might marry again, but in Foljambe's case, Anno 44, Eliz. in the Star Chamber, that opinion was changed, and Archbishop Bancroft upon the advice of Divines, held that Adultery was only a cause of Divorce *a mensa et thoro*, 3rd Salkeld, p. 137." By a law passed in the 44th year of Elizabeth's reign, and the law had not since been altered, the authority of the Ecclesiastical Law was fully restored. The 107th Canon of the Church, which was passed a few years afterwards, declared that—"In all sentences pronounced only for divorce and separation *a thoro et mensa*, there shall be a caution and restraint inserted in the act of the said sentence, that the parties so separated shall live chastely and continently, neither shall they, during each other's life, contract matrimony with any other person. And for the better observation of the last clause, the said sentence of Divorce shall not be pronounced until the party or parties requiring the same have given good and sufficient caution and security into the Court that they would not any way break or transgress the restraint of prohibition."—This Canon was then fully established as the law, and it was thus fully decided, both by the law and the decision in Foljambe's case, that Divorce could not be obtained in this country except only from bed and board, *a mensa et thoro*, and not *a vinculo matrimonii.* This made the law of England similar to the law on the subject of Divorce in most parts of the Continent, and it continued in this state till Charles the 2nd's time, when the celebrated case of Lord de Roos occurred, in 1669, and then, by a special Act of Parliament, a Divorce was procured for that nobleman. The Duke of Norfolk's case, which was the next remarkable one, occurred in 1692, and occasioned great discussion, he being an individual of great importance. It was in 1692 that the Duke of Norfolk brought forward his Bill of Divorce; but the Bill was thown out; and it was the year 1700 before he ventured to repeat his efforts, having previously brought an action for damages at Common Law; and then, after protracted debates, the bill was carried. He only referred to that measure to show what was the state of the law and the state of feeling in the country on the subject of divorce, up to that period. He found that for one century and a half, from the Reformation as established by Elizabeth to the accession of George 1st there were not more than five Divorce bills carried through Parliament. He believed that would be found an accurate account. Divorce was never then granted, except to persons of high rank; and in the Duke of Norfolk's case it was expressly stated, in the preamble to the bill, that one reason for granting the Divorce was, that the Duchess was barren, and it was not fitting that such a noble family should be extinct. The privilege of divorce was then exclusively confined to the very highest classes, and granted to them only as a great favour, and under special considerations. After the accession of the House of Hanover, a greater laxity was introduced, and a greater number of Divorce bills was passed. From the year 1715 to the year 1775, a period of sixty years, sixty Divorce bills were passed; and from 1775 to 1800, during a period of twenty-five years, there were seventy-four such bills passed. From 1800 up to the present time, he found that there had been between eighty and ninety passed. This showed that there had been a great increase of Divorce bills, owing principally, he believed, to the great increase of wealth, and to the facility with which Parliament had gradually come to grant such bills. The great expense of such measures, and the facility with which Parliament granted Divorce bills to parties capable of paying the expenses, made it impossible that the Legislature should not feel that some alteration of the law was necessary; and several attempts, all of which had begun in the House of Lords, had been made to alter the law. In 1771, a bill was brought into that House by the

Duke of Athol, the preamble of which stated that it was a remedial bill, made necessary by the scandalous frequency of Divorce bills. In 1779 the Bishop of Llandaff, Dr. Barrington, who was afterwards Bishop of London, brought in a bill, and the preamble to his bill stated that the great frequency of applications for divorce made some remedy necessary. Both these bills were passed through the House of Lords, and sent down to the House of Commons, where they were read a second time, but they were lost in a committee. In 1800 Lord Auckland brought in the bill which bore his name, and which occasioned a great deal of discussion. That noble Lord had, for the object of his bill, to make adultery a misdemeanour at common law, and he urged, as a reason for this, the same grounds as had been given by the other Lords for their bills—namely, the frequency of adultery and application for divorce. The discussion on that bill might safely be referred to—since the eminent persons who took part in it were now so far removed from the scene that their opinions were of great weight, and of great importance. Many of the persons who delived their sentiments in the debates on Lord Auckland's bill, were men whose opinions would be of value at any time; and, having been delivered at a considerable distance from the present time, partook of none of the passions of the moment, and might serve as guides to their decision. Lord Grenville, whose opinions on all subjects deserved attention, stated, on an early stage of that debate, that, "his learned friend on the Woolsack, and the other two learned Lords who presided in the courts of law, had declared that the greatest abuses were committed, and that at present there was no remedy for these abuses; that in many cases there was collusion between the parties, and that in no instance was there a possibility of adequately punishing the guilty. They found their proceedings on the Bench, in such cases, a farce and a mockery." This Lord Grenville represented to be the opinion of the great law Lords of that day, and he added, "The Ecclesiastical Courts were equally deficient, there was no way in which the injured party could obtain redress, or vice could receive its punishment. He had long been sensible of these truths, nor had he ever been present when a Divorce bill was passed, that he did not think the House disgraced and degraded." At another stage of the bill Lord Eldon deprecated its rejection, "because he was certain that nine out of every ten cases of adultery that came into the Courts below, or to that bar, were founded on the most infamous collusion, and that, as the law stood, it was a farce and a mockery; most of the cases being previously settled in some room in the City; and that Juries were called to give exemplary damages, which damages were never paid, nor expected to be paid by the injured husband." It was impossible to know that these were the opinions of the Law Authorities of that day, and not be convinced thst some alteration of the law was necessary. A year afterwards, on the occasion of discussing a Divorce bill, Lord Rosslyn observed, that "application for Divorce bills had, of late years, been so frequently introduced, that they had been considered almost as mere matters of course. It was highly necessary, therefore, to check their progress, and, if possible, to resist the torrent that threatened to bear down all morality and virtue." These were the opinions of three very competent persons, two of them great law-officers, and one a distinguished senator; and the House would be well aware that, since that time the evil had not diminished, and now, more than ever, required a remedy. He referred hon. Members to their own experience to be satisfied that the same defects still existed which Lord Eldon, and the other high authorities he had quoted, bore their testimony to the necessity of amending. Did not the House feel itself degraded by every Divorce bill? It was either a mere mockery of Legislation, to which nobody attended, or else the House was made the instrument for covering the guilty connivance of two parties. That things were still in the same state he might prove by the recent case of Lord Ellenborough's divorce. He did not wish to revive the unpleasant discussions on that bill, but he would remind the House of them to show how incompetent it was to discharge judicial functions. It was said, on one hand, that Lord Ellenborough was the kindest of husbands; and on the other, that he had neglected his lady. Some Members spoke of collusion, and said that Lord and Lady Ellenborough came together to seek a divorce; all these assertions were made by respectable persons, and showed how necessary it was that some other tribunal should be had recourse to. Testimony, too, was given on that and other cases, which, without sifting, would never have been received in an Ecclesiastical Court or Courts of Common Law. This case was an illustration of the unfitness of the House to examine witnesses on such an important question. But if the House could not examine witnesses effectually, and sift their testimony to the bottom, what better was it than an idle mockery to bring a Divorce bill before it for its decision? That House was, therefore, not a proper place for deciding questions of divorce; and that opinion would be confirmed if he stated the great precautions used by the House of Lords, which were not used by the House of Commons, in introducing Divorce bills. By one of the Standing Orders of the House of Lords it was imperatively commanded that no bill should be introduced which did not contain a clause that neither the adulterer nor the adulteress should marry again. This Standing Order was adhered to. No bill could be introduced without this clause, though in the progress of the bill it was regularly struck out. Another Standing Order of the House of Lords of a graver character showed how incompetent the House of Commons was to exercise judicial functions, for that House could carry no such regulation into execution. By a Standing Order, dated 25th March, 1798, the Lords ordered, that before the second reading of the bill, the party praying for the divorce should attend at the bar of the House to be examined, if their Lordships should think fit, in order to ascertain if there were any collusion, direct or indirect, or if the act of adultery were known to the husband, or if there were any collusion between the wife and him to procure a sentence of divorce before an Ecclesiastical Court, or procure a verdict at Common Law; and that the parties might be examined as to how they were living at the time of the act of adultery—if they were previously separated, or if the husband performed all his conjugal duties, affording his wife his confidence and protection. This was a Standing Order of the House of Lords, and every petitioner for a bill of Divorce received a copy of this Order, and a notice to attend. Compliance with this Order was, in truth, dispensed with, but it showed how necessary it was to have proof that there was no collusion, and how strict the House was in providing that there should be no collusion betwixt husband and wife. There were other circumstances connected with the popular form of the House of Commons which made it unfit for such investigations. Divorce bills, for example, were sometimes made the vehicle for expressing popular sentiments. Let the House recollect, that the Divorce bill of Lord de Roos was discussed three or four Sessions, and was made the watchword of a party, it being considered, as test of the question, whether Charles 2nd was to be divorced from his Queen or not. The Duke of York's party opposed the Divorce bill, and it was supported by his enemies, as it might give rise to a means of excluding him from the succession. The same sort of thing occurred at the time when the Duke of Norfolk's Divorce bill was brought in. The Duchess was a Jacobite, and the Duke a friend of the Revolution. She was a Roman Catholic, and he was a Protestant, so that this question was made the banner under which party feelings were enlisted. There was always, even yet, a canvassing for opinions, and a soliciting of support for such bills, as would be disgraceful even in a turnpike act, but was most discreditable to the House, when it was acting as a solemn court of judicature. The next point he would mention was the inequality of the law. Nothing was better established as a principle of our law, than that it should be equal for all parties, for high and low, for poor and rich, and that was the case throughout the law, except in the Law for Divorce. He had asked a few days ago the expense of a common Divorce bill, which had nothing peculiar in it, and he was told, that the expense was between 600*l.* and 700*l.* That was an expense which no person in the middle and lower ranks of life could possibly submit to. What made it more galling here was, that if a man went across the borders into Scotland, or if his wife committed adultery there, he could obtain a Divorce for 10*l.* or 15*l.* He had received this information on good authority, and he knew that 15*l.* was the extreme expense for a Divorce in Scotland in ordinary cases. It was clear, then, that some remedy for our law of Divorce was required; and in speaking of remedies, he did not mean to go into the question whether wives should be allowed to divorce their husbands, which, in cases of incestuous adultery, the House of Lords had permitted; neither would he enter into the question whether or not an adulterer should be allowed to marry again. It would not be right in him, a humble individual, to bring forward any specific remedy; but he knew that the proposition he should make, had the approbation of others. The impression on his mind was, that the question of Divorce ought to be referred altogether to the ecclesiastical courts; and that they who decided the separation *a mensa et thoro*, should also decide that *a vinculo matrimonii*. That was his own impression, and he had the satisfaction of knowing, that Lord Thurlow held a similar opinion. He had stated so in the debate on Lord Auckland's bill, in 1800; or a particular tribunal might be appointed to decide the question of Divorce after a decision of the ecclesiastical courts. Some persons proposed to refer the question immediately to the House of Lords, and allow its decision to be final. There were two points he was, however, anxious to guard against: he wished to have it distinctly understood, that it ought to be, in his opinion, the principle of the law—that marriage was indissoluble. The interests of families, of the whole community composed of families, demanded that marriage should be declared indissoluble. The next point to which he wished to advert was this—that, in his opinion, no other cause but adultery should be allowed to be a sufficient ground for a Divorce. The hon. and learned Member again referred to the hardship to which people were now exposed, by the impossibility of getting rid of an unfaithful wife, and instanced in particular clergymen, and landed gentlemen of small fortune, living in retirement and out of the bustle and vice of a town, who might have the misfortune of an unfaithful partner; he noticed the great misery which was caused by adverse tempers, and which the indissolubility of marriage made parties endeavour to bear; he quoted the several attempts which had been made to improve the law in 1771, in 1779, and in 1800, and concluded by the following observations:—He had thus endeavoured to put the House in possession of his views on, perhaps, the most important subject that legislation had to deal with. He had directed the attention of the House to the present state of the law and the evils it occasioned; he had traced Divorce bills from their origin and small beginnings, from a few solitary instances scattered through centuries to their present frequency, *Quæ ab exiguis profecta initiis ex creverint ut jam magnitudine laborent sua;* and he called upon the House, in reason and justice, and even decency, to go along with him in finding a remedy for this evil. From an exclusive privilege for rank and station Divorce bills had become the remedy for the evils attendant on matrimony, adopted by the middle classes, by all who could command the pecuniary means, and had any reason for calling on the House to interpose its authority. He apologised for having so long detained the House, and then moved "That an humble Address be presented to his Majesty, praying that his Majesty would be pleased to direct the Commissioners appointed to inquire into the state of the Ecclesiastical Courts in England and Wales, to take into their consideration the state of the Law of Divorce, to consider the expediency of enabling persons to obtain Divorce from the bonds of matrimony, in cases of adultery, by legal process in Courts of competent jurisdiction."

Sir *Charles Wetherell* began his remarks by objecting generally to commissions to inquire into the law, contending that the appointment of them involved an admission of something requiring to be remedied. He had never approved of commissions to reform any abstract point of law. His hon. and learned friend, with all his talents, had failed to suggest a remedy, and so had other learned men of great talents. The evil arose out of our Constitution, which did not permit any court to exercise legislative power, which granting a Divorce implied. The hon. and learned Member entered into a brief history of the marriage law in England, and its difference from the marriage law of other countries, remarking that marriage was indissoluble in Roman Catholic countries. In Rome there was a tribunal called the Holy-office, which did grant Divorces for certain cases, in which the parties were held incapacitated to contract marriage, but never granted it for adultery. The Pope had sometimes granted Divorces on political grounds, but up to the time he was speaking, the Pope had never, he believed, granted a Divorce on account of adultery. The Pope did, however, grant a Divorce to our Henry 8th in former times, and he had more recently granted a Divorce on political grounds to Napoleon Bonaparte. Independent of these cases, however, it was not the custom of the Church of Rome to grant Divorces on any account. In this Protestant State no Divorce was ever allowed, unless by the way of a legislative provision, and he could not, therefore, avoid thinking, that if they adopted the plan of his hon. friend, they would be letting in a wild, latitudinarian, and mischievous principle, not recognised hitherto by any country in the world. Divorces *a vinculo matrimonii* had never been allowed in this country, unless after a solemn investigation in Parliament; but if they were once, by the institution of a cheap kind of *Pie Poudre* court, to allow all, who had a small sum to spend, the privilege of being separated *a vinculo matrimonii*, it would follow as a necessary consequence, that the lower classes, whose morals were more corrupt, and whose principles on these subjects were more lax than those of the higher classes, would be continually applying for Divorces, while the facility of obtaining them at a small expense would increase the immorality of adultery, and, indeed, give encouragement to the commission of that offence. It was said, however, that almost all the cases which came before Parliament at present, were cases in which the parties colluded to procure a Divorce. Now if the higher classes did collude in this manner—a fact of which he saw no evidence—if they colluded to procure a Divorce, when the cost of that proceeding was great, would they collude less when the expense would become comparatively small? The great question for their consideration was, whether the law should or should not remain as it was. And if it was a truth that the noble Lord (Eldon) had declared the proportion of collusive cases to be nine out of every ten which came before Parliament, he confessed it was necessary the House should interfere. He denied, however, the justice of the assertion, that the proportion of collusive cases was so great, and he equally denied the propriety of the assumption, that the Houses of Lords and Commons were unable, by the exercise of their judgment, to detect the collusion if it existed, or that their powers would be delegated with greater propriety to any inferior court, constituted in any manner whatever. He was not disposed to allow that the House of Commons did not possess ability, acuteness, and intelligence sufficient to detect any species of collusion. If Parliament were unable to institute the accurate and critical examination into the circumstances of a Divorce necessary to guard against its being a matter of collusion, how, he should like to know, would his hon. and learned friend's commission remedy the defect? What additional machinery of efficiency was there contained in his hon. and learned friend's plan to supply the deficiency of the present legislative mode of proceeding? He was sure there was none, and therefore could not agree to transfer to a subordinate court a power which should more properly be exercised by Parliament. While he stated this, he was free to admit that the House of Commons ought to have used Standing Orders of its own to regulate the method of proceeding as to Divorce bills, and that a preliminary inquiry by a committee might be advantageous. But he should not, he repeated, consent to take from the present tribunal the sole power of granting Divorces, till it was indisputably proved to him that the Divorce Statutes which had been enacted by Parliament, were all inefficient in cases of collusion, and that the power had been abused for political purposes—that, in a word, Parliament was incompetent to the due and impartial exercise of all the powers which his hon. and learned friend would transfer to an inferior court of inquiry. That the present legislative mode of Divorce had been abused in former times he did not mean to gainsay; but he would deny that it had been so abused in later times, particularly since the accession of his late Majesty. Neither did it appear to him that the present legislative mode of Divorce tended to promote adulteries, that is, occasions for Divorce bills. Upon this point there existed a great diversity of opinion among the wisest and most experienced judges. He need not go further than quote the names of two of the highest authorities upon this and analogous subjects, Lords Stowell and Eldon, who were, it was well known, notwithstanding the strength of their fraternal regard for each other, at daggers drawn, so to speak, as to what tended to promote occasions for Divorce. If men of such unrivalled eminence in learning, in morals, in intellect, in taste, in feeling, and in judgment, maintained discrepant opinions as to what should or should not constitute a just ground of Divorce, how, he should like to know, with due respect for the talents and attainments of those learned Gentlemen to whom his learned friend would refer the inquiry, could the deficiency felt to be irremovable by the ablest Members of both Houses of Parliament, be done away with by his hon. and learned friend's proposed commission? In objecting to it, he begged leave to say, that he did not altogether deny the existence of cases of collusion in matters of this kind, and therefore he should support any plan for making the inquiry more strict than at present into the grounds of Divorce bills. He thought this end would be obtained by the preliminary committee of inquiry, of which he had before spoken. As he could not approve of his learned friend's Motion, he hoped he would not push it to a division, as he should be sorry to vote against him.

Mr. *O'Connell* said, he agreed with the hon. and learned Gentleman who had just sat down, in opposing the Motion, though he differed from him in the grounds of his opposition. He wished with the hon. Mover that the poor should be placed upon the same footing with the rich in regard to divorce, but he would accomplish that, not by giving it to the poor, but by refusing it to the rich. He thought the better way would be to make the marriage tie perfectly indissoluble. It was so by the common law; for up to the time of the Reformation no marriage could be dissolved. It was so by the rule of the Catholic Church, and by that of the Protestant Church also. It was true that divorces had been ganted in the Catholic Church, but not *a vinculo matrimonii.* They were only granted in such cases, for example insanity, as rendered the marriage invalid *ab initio.* The Pope had no authority to divorce a marriage upon any other ground, for his authority did not exceed that of other Bishops. But the hon. and learned Gentleman had said, that the Pope had granted a divorce to Henry 8th. In that the hon. and learned Gentleman was mistaken; the Pope had, on the contrary, refused the divorce. If he had not refused it the hon. and learned Gentleman might have gone to mass last Sunday, as he had done; for the refusal had contributed much to hasten the Reformation. Again, his hon. and learned friend had said, that the Pope had dissolved the marriage of Bonaparte; but the principle on which that divorce rested was this, that the first marriage with Josephine was a mere republican marriage, having nothing sacramental or religious in its nature. It was another instance of marriage invalidated *ab initio*; so that there was no divorce in the case of Napoleon, who was himself a sort of honorary member of all religions. But if they regarded the subject merely as statesmen, he would ask, were the upper classes of society, who could obtain divorces, more virtuous than the lower who could not? No man would say that they were. And was not divorce a temptation to adultery? Did it not give another argument to the seducer, when it enabled him to say, that he would restore the object of his passion to her rank again, or, perhaps, raise her to a higher rank than before? The Christian-law, the Canon-law, the Common-law, and the law both of the Catholic and the Protestant Churches were all upon his side, and he therefore hoped that other Members, more influential than himself, would assist in opposing the present Motion.

Mr. *Spring Rice* rose to support the Motion of his learned friend, Dr. Phillimore. If he considered the question as one of law only, it would be, indeed, presumptuous on his part to interfere in the discussion; but he felt that the proposition involved many other considerations, some of which went beyond, and others were infinitely above, any questions purely of a legal character. There were two objections taken to the Motion by the learned Gentleman who had preceded him. If the objections were admissible, he was bound to confess they were conclusive. But he differed in essentials from the doctrines lately advanced. If, indeed, there were persons who believed, with the learned member for Clare, that the marriage contract should be indissoluble under all circumstances, this class were not only bound to oppose the present Motion, but to oppose every proposition for a single divorce. He did not anticipate, however, that this doctrine would find many supporters in the House or in the country. Again, if with the learned member for Plympton, persons were really contented with the legislative tribunal which at present decided their cases, they were undoubtedly warranted and justified in resisting any change. But when he considered the events of the present Session—when he recollected, that during the progress of every Divorce bill there had been on all sides one universal exclamation against the mode of procedure—when every Gentleman had protested against examinations at the bar, as most imperfect modes of doing justice, of discovering the truth, or detecting collusion—when, above all, he referred to the high authorities quoted by his learned friend the Mover, all concurring in one opinion, in affirming the necessity of reform, he could not bring himself to believe that the House would refuse to apply itself to a practical remedy correcting this great practical evil. It was time to free the House from the disgrace of these proceedings. In doing so, in fact, it would be only an application of a principle already recognized. The House, in the Grenville Act, had acted on the impossibility of doing justice by examinations at the bar. In that case undoubtedly a Select Committee was substituted for the House; but a Select Committee of a judicial character, sworn to decide impartially, and having the power of examining witnesses on oath. The selection of a committee, rather than the appointment of a fixed Court of Justice, was necessary in election cases, because the privileges of the House were concerned, and these could not lightly be intrusted to any extra-parliamentary authority. But such an objection did not apply to the creation of a tribunal for divorce cases. His learned friend, the member for Plympton, was entirely in error, in considering that the course now recommended was without example. The fact was, that it was the English practice that was without precedent. All Protestant Europe, except South Britain and Ireland, had adopted a different practice, and had laid down a precedent strictly in accordance with his hon. friend's Motion. He entreated the House to consider that one conclusive argument against the present system had not been answered. It was not denied that the present system gave a remedy to the rich only, and that the middle orders of society, and the poorer classes, whose cases might be equally deserving of commiseration, were left wholly without relief. Could this be justified or tolerated by those who claimed to be Representatives of the people? It was suggested that the imperfections of the system might be corrected by the adoption of some stricter Standing Orders. The total inadequacy of such a remedy was abundantly proved by the proceedings of the House of Lords. The Standing Orders of that House had been framed in the spirit of justice and precaution; but how were they effectual? If any thing were wanting to add to the disgrace of the present system, it would be the adoption of such Standing Orders, to be afterwards suspended or evaded to facilitate the passing of every Divorce bill. This was adding insult to injury. The member for Plympton had spoken of the immorality which facilities of divorce would occasion; how could such a statement be made with the example of Scotland before our eyes? Were the people of Scotland less moral than their southern neighbours? Was the marriage tie less respected in Scotland than in England? He doubted the fact. The member for Plympton had spoken of what he considered the immoral habits of the middle and lower classes, as compared with their superiors. This again he begged expressly to deny. He believed that the virtues of domestic life were by no means to be found in the highest degree of development among the classes of fashionable society—those privileged persons for whom the facilities of parliamentary divorces were now reserved. On all those grounds, with a view to strict and impartial justice—with a view to relieve Parliament from the disgrace of undertaking duties which it could not satisfactorily perform—he supported the present Motion, the object of which was not to decide absolutely upon any question, but to obtain the information on which the House might legislate safely hereafter. It was not necessary to suggest that collusion frequently existed to recommend this course; it was enough to show that the law was unjust because it was unequal; it was enough to show that the public interest was not secured, and that the character and dignity of the House were lowered in the opinion of all reflecting and rational men.

The *Solicitor General* said, that it was his intention to trespass on the attention of the House with only a few observations. He would first remind his hon. and learned friend who brought forward this question, that the commission to which he proposed to refer the consideration of this most important subject was appointed simply to inquire into the state of the Ecclesiastical Courts. Such being the case, the House ought not to assume that that commission could conveniently enter into the consideration of another subject. It would not be right for the House to induce that commission to enter upon the consideration of a subject to which it had not previously addressed itself, and which did not come within the scope of its original appointment. Admitting the commissioners to be highly competent to consider the subject, it would not be fair to throw upon the members of that commission, without first consulting them, the consideration of a question of this magnitude. He wished that his hon. and learned friend, who possessed great knowledge and many opportunities, had taken another mode of bringing forward this question; that he had considered in detail the laws relating to marriage and divorce, and had prepared a bill to meet the evils of the present system. If his views on this question were right, he might be sure that the best way to try them would be to embody them in a bill. He hoped that his hon. friend would do that on some future occasion, and give the House an opportunity of discussing his views in detail. With respect to the law which existed on this subject in Scotland, he had no fault to find. It had been long in operation, it had certainly not produced any evils, and it would be most dangerous to touch it as it related to Scotland; but it would be another thing if it were proposed to extend that law to England. He could not agree with the hon. and learned member for Clare, that there should be no law to enable a party to obtain a divorce, but every one must agree that the object of the law, in the first instance, was to secure the descent of property in high and mighty families. It was not, then, the question, whether that object were good or bad, but that was the ground, and the sole ground, upon which relief by a divorce was given in the first instance. He, for one, should be sorry to see a Court established for trying the mere question of Divorce between parties, being persuaded if such a Court were established, that questions of Divorce would be as frequently brought for decision, as questions of property in other Courts. But as it was desirable to throw impediments in the way of divorces, rather than to render it easy for persons of every rank to obtain that relief, he should certainly always set his face against appointing a separate Court to give cheap divorce to the people. It had been said that, under the present system, there was one law for the rich and another for the poor, and this consideration was so revolting to him, that he could not uphold such a system, if he did not conscientiously believe that, by extending the remedy, the Legislature would only increase the mischief. Under such a system as had been suggested, what would prevent collusive divorces? The existing law in Scotland had been referred to, in answer to that question. He did not know enough of the state of society in that country to speak positively on the subject; but it might be such, that the law permitting divorce might be of no injury to public morality. It was said, that the law operates well in Scotland, but he could not thence conclude that the same law would operate advantageously in England. The question was, whether the present state of society in this country would allow of a law, affording a facility of obtaining divorces to all classes. In his opinion, such a law would be attended with more injury than benefit. But, independently of the merits of this question, there was another difficulty. Ought the House to burthen the Commissioners appointed to inquire into the present state of the ecclesiastical courts with a different duty—a duty that, perhaps, they were not prepared to accept, and might even think themselves not competent to execute. He would rather that his hon. and learned friend would turn his attention to this subject again; and introduce it to the House in the shape of a bill. That it was a difficult task he was aware; but because it was difficult, he invited his hon. and learned friend to undertake it, being sure that there was no better test of the correctness of opinions, than putting them on paper, and bringing them before the House for its consideration; and being also sure that if there were any evils arising from the present system, for which a practical remedy could be found, no person would be more competent to devise that remedy and recommend it to the House than his hon. and learned friend.

Dr. *Lushington* did not think that it was consistent with his duty to remain silent altogether on this most important subject. It was not his intention, however, to enter into a discussion on many of the important subjects which had been referred to as connected with this question, but rather to direct the attention of the House to the proposition of his hon. and learned friend, which went to refer the whole subject of the law relating to divorces, to the Ecclesiastical Commission.

Only a few months had elapsed since that Commission commenced its sittings; and he must observe, being confident that he should be borne out by every other Member of the Commission who held a seat in the House, that the task already committed to it was so complicated and difficult, as to require all the time and attention which the other avocations of the Commissioners would admit of their bestowing on it; so that there was scarcely a hope that they could complete it within a reasonable time, with satisfaction to themselves, or benefit to the country. In order to enable the House to understand this, he must observe that the establishment of the ecclesiastical system, as asted upon at this day by our Ecclesiastical Courts, had undergone no alteration, nor indeed any important revision, since the time of the Reformation. There was still the same system, and the same machinery for carrying that system into operation, which existed after the first days of the Reformation. The views of the Common-law courts, however, had within that period fluctuated on various points connected with the proceedings in the Ecclesiastical Courts; so that there was a complication of facts and proceedings which must become the subject of close examination and much consideration, before any remedial measure could be proposed, admitting that there were defects in this system. Upon this ground alone, as a member of the Ecclesiastical Commission, he should hope that the House would not add to the labours which already devolved on it, and obstruct the progress of those labours which it had already begun. There were other, and various considerations, which would make him unwilling that this subject should be referred to the Ecclesiastical Commissioners, even if they had greater leisure and ability to devote to it. It would not be expedient to throw on the Ecclesiastical Commissioners the burthen of considering so many doubtful points as were connected with the important subject of divorce. Among other things, they would have to consider this great and important question, whether a complete divorce from the bond of marriage, could be granted by any human tribunal consistently with the doctrines of our religion. Without venturing to offer any opinion of his own on so grave and serious a question, he might observe that it had often been discussed, but never satisfactorily decided. Subsequent to the Reformation, for thirty or forty years, the ecclesiastical tribunals considered that they were justified in granting divorces, but it was afterwards concluded that there was no such power in any tribunal. The question, to which he had adverted was however a subject of consideration, rather for those, who had made the religious doctrines which prevailed in this country their particular study, than for the professional gentlemen who composed the commission. For his own part, he gave no opinion on it; but there was nothing he should deprecate more than having such a question referred to an Ecclesiastical Commission. If it were to come before the House he should endeavour to discharge his duty as a Member of Parliament; but he should deprecate from the bottom of his heart, being called upon to decide a moral point on which the most learned persons had not been able to agree. As to the expediency of altering the law, he did not deny that very great evils arose from its present state, but he had many doubts as to the fitting remedy; with respect to collusion, he did not believe that there had occurred many instances of it. During the last fifteen years he had been cognizant of the particulars of every case that had been brought before the House, with the exception, perhaps, of about half a dozen; and, according to his view of collusion, he was not acquainted with more than three, or at the utmost four cases, which would justify suspecting it, and he could not of his own knowledge say that there had been one case in which there really was collusion. This was his opinion, founded on experience; but perhaps he ought to say what collusion was in his opinion, for it appeared to him that some gentlemen entertained a very mistaken notion of it. That a Divorce was sometimes obtained in the Ecclesiastical Courts, or that a bill for a Divorce now and then passed that House, with the consent and at the desire of the adulterer, or the adulteress and her friends, was not, in his humble judgment, collusion. By "collusion," he understood a case where one of the parties to a criminal suit in the Ecclesiastical Court was guilty of criminal acquiescence or negligence, with respect to the act of adultery. And here he would observe, that connivance or collusion—call it which you will—was a bar to Divorce in the Ecclesiastical Courts; and whenever that appeared, in the slightest degree, he was among the first to acknowledge that it ought to put an end to the proceeding by which a remedy was sought to be obtained. No man ought to enter the Ecclesiastical Court, or that House as an applicant for a divorce, if he were, in the slightest degree, a party to his own dishonour, or had been in any way the cause of his disgrace and his partner's guilt. If such a case should ever come before the House, whether the party applying for relief were high or low; whether he belong to one side of the House or the other, he should regard himself as guilty of a dereliction of a most sacred duty, if he did not oppose the bill. The case of Lord Ellenborough had been alluded to. In that case he supported the bill; and he did not hesitate to say, that he should do so again if called upon. There was not the slightest reason to impute criminal neglect, much less that most disgraceful of all crimes, criminal connivance, to the husband in that case. But it had been said, that because Lady Ellenborough's friends wished the bill to pass, that it ought not to have been passed, How that proposition could be sustained, he was at a loss to conceive. It was consistent with human nature, and with the absence of all crime on the part of the husband, that Lady Ellenborough, or any other lady so situated, as well as her friends should wish a bill of that description to pass, in order that she might be restored, in some measure to society, by her union with the party with whom the crime had been committed. And he did not hesitate to say, that in future, if a case should arise where an avowal of such a motive was made openly, and in the most distinct terms, it would not operate in his mind in the slightest degree, against a bill for a Divorce. The most important consideration, in such cases was the conduct of the husband previous to the commission of the adultery; whether he had evinced a due regard for his own honour; and bestowed a proper attention on the conduct of his wife, according to the customs of that rank in society in which the parties moved. If the husband were no more to blame for negligence, than persons in ordinary circumstances, and in the same rank, he for one would not say that relief should not be given. A great deal had been said of the law and custom of Scotland with respect to Divorces, which was described to be well suited to its institutions and to the habits and feeling of the people. He was not sufficiently acquainted with the operation of the Scottish law to deny that, but there was probably no Gentleman in this House, with sufficient talent and eloquence to persuade him that England ought to adopt either the law of marriage, or the law of divorce, which prevailed in that country. The law of marriage in Scotland gave a facility to unions, which the parties entering into afterwards, greatly lamented, and the law of divorce had the effect of affording to those repenting parties the easy means of dissolving the unions thus entered into. Without discussing the propriety of granting those facilities in Scotland, he might at all events assert, that the law of Scotland was not suited to this country. As to the argument of the hon. and learned member for Clare, that Divorces were contrary to the doctrines of the Catholic Church, he believed that England was the only Protestant country where Divorces were not granted *à vinculo* by individual judges. The hon. and learned member for Clare, said, that the law of the Catholic Church was opposed to Divorces altogether; but he maintained that the members of no religious persuasion, and that no religion had ever played fast and loose with marriage, as the Catholic Church had done. The doctrines professed by persons belonging to that Church on this subject had done more to weaken the sacred tie of marriage than all the Divorce bills that ever had passed, or ever would pass through that House. There was one point on which he agreed with his hon. and learned friend. He admitted that it was the great misfortune of the present law, that it opened the door to the rich and not to the poor. This certainly was a striking objection; and a still greater objection perhaps was, that whilst the injured husband was allowed the power of resorting to Parliament for relief, the same facilities were refused to the unoffending and equally injured wife, unless indeed in those horrible cases where an incestuous connexion was proved to have taken place. Ever since he had an opportunity of considering this question, this anomaly had struck him, and he never could reconcile the principle to justice or common sense by which the Legislature refused that relief to the wife, which was granted to the husband. If there ought to be any distinction, or any greater favour shewn to one party than to the other, it should be to the wife, as the weaker party. He wished that this subject should be brought forward in another shape, and he agreed with his hon. and learned friend the Solicitor General, that it would be more desirable that his hon. and learned friend near him, would bring forward something like a practical measure, in the form of a bill. The House would then see at once the difficulties which arose from the existing state of the law, the mischief and its extent, and the operation of the proposed remedy. Such a measure would be most advantageous; but as long as the House confined itself to desultory disquisitions of that kind, it was impossible to arrive at any satisfactory result. If the subject were referred to the Ecclesiastical Commission, he was apprehensive the time of the commissioners was so fully occupied, that they could not give this subject sufficient consideration; and even if they had abundance of leisure, so much difference of opinion and feeling would be likely to exist on this subject, and so great a repugnance would there be to deciding on it, that the commissioners would never, he believed, propose any definite measure. They would probably content themselves with pointing out a number of remedial measures, leaving it for the House to judge for itself which it would be best to adopt. He would not then trespass at greater length on the attention of the House; but he would suggest to his hon. and learned friend to withdraw his present Motion, for he was satisfied that no really beneficial result could arise from pressing it to a division.

Mr. *C. W. Wynn* said, that if he thought, with his hon. and learned friend who last addressed the House, that no beneficial result would arise from referring this subject to a Commission, which should report to the King and Parliament, the considerations that might occur to the commissioners on the present state of the law; and the various remedial measures which might suggest themselves; leaving it to Parliament to pronounce which of those remedial measures it should consider best-calculated to meet the existing evils; if he thought no benefit would result from that, he should advise his hon. and learned friend to withdraw his Motion. If the commission were to do nothing more than inquire, in his opinion great and most important advantages would be derived from it. He could not agree with his hon. and learned friend, the Solicitor General, that there would be any irregularity in throwing this subject upon the consideration of those persons of whom the Ecclesiastical Commission was composed. No persons could be chosen better calculated to discuss the subject and to throw light on it. Nor did he see any incongruity in referring the question to them, if they were possessed of knowledge and experience which fitted them, better than other individuals, to consider this question. They had to report on the state of the Ecclesiastical Courts, and the subject of Divorce was somewhat allied to the subject of their present inquiries. However, it seemed to him to be only a question of form, whether the subject should be referred to a new commission, or to the commission on the Ecclesiastical Courts. It was not important, in his opinion, to which it was referred, as there could be no doubt that the inquiry would be equally well managed in either case. Another difficulty, started by his hon. and learned friend the member for Tregony (Dr. Lushington) was, that if we referred this subject to a commission, we should refer a great and important religious question, namely, whether, consistently with the doctrines of religion, the remedy of a Divorce *à vinculo* could be granted by any tribunal? He was not aware that such a question need be referred to any commission, nor did it appear to him that such a question would be likely to arise. The question had been indeed already decided by the undisputed practice of Parliament for a series of years. Since 1775, no less than 150 Divorce bills had passed through Parliament. All the members of that profession to which his hon. and learned friend belonged who practised in the Ecclesiastical Courts, or in the other House; all the Members of that House, the Bishops, the Judges, and all the Members of either House of Parliament, had been assenting parties to the practice of granting relief in the way alluded to, though his hon. and learned friend insinuated that doing so was contrary to religion. He did not wish to mix up any particular case with this discussion; but his hon. and learned friend, as well as other Members, had alluded to a case which came before the House during the present Session; and his hon. and learned friend said, he supported that measure. In doing that, however, he supported the principle that marriage might be dissolved. That his hon. and learned friend entertained any doubt, whether or not it was contrary to religion to pass those bills, he could not suppose, for, if his hon. and learned friend thought it contrary to religion, he would not have supported the bill in question. He could not believe, therefore, that the commissioners would have any thing to do with the question to which his hon. and learned friend had referred. He could not see, that any doubtful question arose in cases where no blame was attributable to the party seeking relief; and the only question for the commissioners would be, whether the relief granted by Parliament, might not be granted, under certain restrictions, by a Court of Justice. The power of granting relief existed, and was acted on; and the only question was, whether it should remain in Parliament, or be delegated to another tribunal better fitted for the discharge of it. Something had been said of the difference between society in Scotland, and in England, of that difference he was not aware; but if it existed, it was principally as regarded the higher orders. Where was the difference between the middle orders in Scotland and in England? Was there any greater immorality in that country, because it had tribunals which did not deny to poverty what, in this country, was granted, as of course, to the rich? Was not the clergyman, the professional man, or the shopkeeper, as well entitled to the remedy as the great landed proprietor? He had been induced to turn his attention particularly to this question, by observing, from what took place in our criminal courts, that there was a great increase in the number of prosecutions for bigamy. In a majority of cases he observed, that the persons prosecuted were those whose wives had quitted them or eloped; and if those persons had been placed in a higher station of life, they would have procured the relief which that House had the power of granting; but not being able to procure that relief, they became liable to a criminal prosecution, and were perhaps punished, because they wished to enjoy the comfort and satisfaction of domestic society. The present state of the law was undoubtedly open to that objection which had been stated by his hon. and learned friend who introduced this subject, and it imperatively called for some revision. His hon. and learned friend, the member for Tregony, did not believe in the existence of collusion to the extent which had been stated. If the husband put his wife in the way of a seducer, in order that she might commit adultery, or that he might obtain damages in a court of law, it was a criminal collusion; and though he would not take upon him to assert that there was a large number of such cases, yet, with great deference to his hon. and learned friend, he must say, that there was a large description of cases in which, if they had been scrutinized to the bottom, Parliament would not have granted a Divorce. He alluded to cases where there had been culpable neglect on the part of the husband, where he had committed similar excesses himself, or had exposed his wife to the arts of a seducer. In such cases, when the wife behaved ill, the husband brought his action against the seducer, and might have no chance of obtaining damages if the facts were thoroughly sifted. But suppose that the defendant in the action was not desirous to set up his defence. It might be the wish of the seducer to make amends to the lady he had seduced, and he might agree not to offer any opposition. Several instances had been communicated to him, from authorities on which he could rely, of a distinct arrangement entered into between the husband and the seducer, that the damages should not be levied. The defendant in such cases allowed judgment to go by default. A sheriff's jury was empanelled generally in some alehouse to assess the damages: the facts were admitted; there was perhaps a palliative speech on the part of the defendant, setting forth his youth, or the seduction to which he had been exposed, or something of that kind; and whatever might be the amount of the damages, the effect was precisely the same on the parties. He could state on this point the opinion of a person, who it would be admitted was a high authority on this subject,—perhaps the highest that could be named,—certainly the highest with which he was acquainted—he meant Lord Stowell. He asked Lord Stowell whether it were true, as he had been informed by others, that in nine out of ten of these cases the party who complained was the party most to be blamed; that in that large proportion of cases the husband was the party chiefly in fault, then the wife, and, last of all, the seducer. Lord Stowell's reply was, "you are wrong; that is not the case in nine instances out of ten, but in ninety-nine out of a hundred." He did not mean to say that Lord Stowell's opinion was exactly, that this occurred in ninety-nine cases out of a hundred, but it certainly was his opinion, that it occurred in a large proportion of cases. Was it not likely that such cases would be better investigated by judges holding official stations, and discharging their duty before the public, and whose characters would suffer if, from any private motive, they should scrutinize one case less than another; was it not likely that such cases would be better investigated by professional men, than they could ever be in that House? Let every Gentleman ask himself whether he had ever, upon any question of this description, acted as if the eye of the public were upon him, and he, and he alone, was bound to inquire into all the facts of the case. He believed no Member so acted, and if no one did, the whole did not, and cases which came before that House were consequently not investigated. It was well known how business of that kind was hurried over in the House when any question of importance or public consequence was about to be brought forward. The question of war or peace, or some question involving the very existence of the country, might be brought forward on the same night with a divorce bill; and was it likely that the House would allow any Member to go into a lengthened investigation on an ordinary bill of this description at such a time, when a great political question was in agitation. Would it be likely, on such a divorce bill being brought in with the ordinary proof, if any one were to get up to examine further into the case, that the House would allow him? It had been suggested that, to meet this evil, there should be additional checks and impediments thrown in the way of divorce bills. That principle had been tried in the other House, by the passing of certain Standing Orders, but the result was, that they had not been adhered to in practice. It had been said, that it would not be for the good of the parties to adhere to them too nicely. There was that order, for instance, for the examination of the husband himself, which would seem to afford great protection against collusion, as under it the whole of the circumstances relating to the cohabitation of the parties might be entered into. That order had been dispensed with, because it would be a painful thing to those who had friends, and were well known, to submit to a public examination on such a subject. The Standing Orders, then, were perfectly nugatory as a protection against collusion. Upon all these grounds he felt a strong wish to support the Motion then before the House. He thought that the Ecclesiastical Commission would be able to investigate such a question; but if it should not be, it was the duty of the House to consider whether there were no other course likely to answer the purpose proposed by his hon. and learned friend. It was said, that he ought to bring in a bill; but there was a principle to be discussed before coming to the House with a bill. If a general principle were agreed upon, then the details might be advantageously introduced in the shape of a bill; but to call upon an individual to enter into the details without first ascertaining whether the House were prepared to adopt the principle, was to impose trouble without any purpose. It would be necessary afterwards to decide whether such a court as his hon. and learned friend proposed, ought to be established; and whether the House would be prepared to give up to any tribunal the power it had so long exercised. When the bill should come before the House, the object with which it had been introduced might be disapproved of, and his hon. and learned friend would find that his labour and attention had been bestowed in vain. He thought, therefore, that his hon. friend had acted wisely in adopting the present course; and he should give the Motion his most cordial support.

Sir *Robert Peel* said, the House had some reason to complain of the imperfect notice which the hon. and learned Gentleman had given of this measure—all-important as that was. He was, therefore, rather taken by surprise in being called upon to give an opinion upon it at that moment. He was sorry to be compelled to give a vote on so extensive a subject without the fullest consideration. The question, as it appeared to him, was this:—Was a case of necessity made out for a change in the existing law? and, secondly, was the proposed the best mode of legislating upon the subject? As to the first part of the question, he would not at that moment undertake to decide it, but he was prepared to say that he could not admit all the hon. and learned Member's statements. It had been said that that House was not a competent tribunal in cases of Divorce, and that in nine cases out of ten collusion took place. He thought, however, that that statement was much exaggerated, for he could not give the name of collusion to a case where a wife, who had been guilty of adultery, and wronged an affectionate husband, offered no opposition to his procuring a Divorce. If it were the case that collusion was frequent and inevitable, it would be their duty to take some means of preventing such an evil in future. But the testimony of the hon. and learned member for Tregony was directly opposed to such a supposition. If by collusion were meant a criminal collusion to obtain a Divorce, he (Sir Robert Peel) was by no means of opinion that such a collusion was frequent. The hon. and learned Gentleman spoke of the expense of the remedy operating to give the rich an advantage over the poor. Let them adopt what regulations they pleased on the subject, he feared that that inequality could not be obviated. How could any court determine on the justice or expediency of granting a Divorce without an extensive review of the lives of the parties by whom it was claimed, and without hearing satisfactory evidence upon the subject? The expense attendant on such proceedings must always operate as a bar to the poor. It had been said that there were courts in which a subject of that kind could be investigated at an expense not exceeding 15*l.* With a reference to public morality, however, it appeared to him that it would be much better to retain all the existing inconveniences than to make Divorce so easily attainable. To do that, would be to hold out a temptation to adultery. He was far from thinking that our present system was a good one; but he was by no means prepared to say, with the hon. and learned member for Clare, that the husband should have no remedy for the infidelity of his wife.

Mr. *O'Connell* said, he was not opposed to Divorces *a mensa et thoro.*

Sir *Robert Peel* said, his argument applied to both species of Divorce. It was well to make it the general rule that there should be no Divorce; but there must be exceptions; yet those exceptions ought to be strictly inquired into, and ought to be the subjects of distinct acts of legislation. As to referring the subject to the Ecclesiastical Commission, it must be remembered that that commission was appointed for a very different purpose. And, besides, there were in the discussion of the question many moral and political considerations, which the Legislature ought to retain in its own hands, and not devolve them upon any commission. It must also be recollected, that the commissioners were acting gratuitously. Having undertaken what it would require three or four years of application to accomplish, was it fair to impose upon them an additional labour. For all these reasons he was not prepared to acquiesce in the hon. and learned Gentleman's Motion; and hoped that he would follow the advice of the hon. and learned member for Tregony, and not press his Motion to a division.

Lord *L. Gower*, when he saw one of the members of the commission in question placing himself in an attitude of supplication, to entreat the House not to throw the burthen of this subject upon that commission, felt himself compelled, however reluctantly, to oppose the Motion. He must distinctly, however, object to the principle of the hon. and learned member for Clare, that there should be no Divorce.

Dr. *Phillimore* observed, that although at the commencement of the discussion he had trespassed on the attention of the House at some length, yet he hoped he might be allowed, under the peculiar circumstances of the case, to offer a few observations in reply. He begged to assure those hon. Gentlemen who were so impatient, that he would trespass on their attention as briefly as possible. If the right hon. Baronet had been present at the examination, and during the discussion which took place on the case already referred to, which he was not, he would suggest that this Motion should be given up. He had brought the subject forward with great reluctance, at the suggestion of many hon. Gentlemen who felt, as he felt, how very difficult it would be to originate any legislative measure. He was asked, why not bring in a bill? Unfortunately he had some experience of that course. He had brought in a bill on another subject; and after four or five years toil and trouble, he had the satisfaction of seeing the principle of that bill adopted; but he had sufficient experience to be convinced that an individual introducing such a measure as an alteration in the law of divorce, and unaided by Government, had no chance whatever of bringing it to a satisfactory conclusion. The right hon. Secretary wished that a more distinct notice of the proposition had been given; but, in fact, he was doubtful what course it would be most expedient to adopt: whether he should move a resolution, or propose that the subject should be referred to a commission; and till he had made up his mind, he could give no other notice than he had given. He had adopted the latter course in conformity with the advice of those whom he consulted, and at whose instance he took up the subject. The right hon. Gentleman asked, what ground or grievance had been made out to justify the Motion. But every hon. Member conversant with Divorce bills, must be aware that the time had arrived when some steps should be taken to revise and reconsider the law upon this subject? That was all he asked for. He only sought a deliberate consideration of the subject by those best qualified to investigate it. Matters had at length arrived at such a pass, that something must be done. The right hon. Gentleman said, that collusion did not exist to the extent stated; but upon that point he differed from the right hon. Gentleman, and he contended that collusion prevailed to an alarming degree. If the right hon. Gentleman would but refer to the Debates to which he had referred, in bringing this matter before the House, he would find very deliberate opinions given by high authorities in the House of Lords on the subject. In 1779, in 1800, and 1801, Lord Thurlow, Lord Eldon, and Lord Kenyon,* expressed very decided opinions against the law as it at present stood, and stated the great extent to which collusion existed in all cases of divorce. He would find that those high authorities repeatedly declared that the law of Divorce could not stand as it was and is, but that something must be done to revise and amend it. That law, at present, was opposed to the general principles of the laws of England, which respected not persons—they were made both for the rich and the poor, and were equally open to both; but the law of Divorce was a law for the rich alone, and the relief which it afforded was placed out of the reach of the poor man. The right hon. Gentleman seemed to hint that it would be a relief to a poor man could he escape the expenses attendant upon passing a Divorce bill through the House; but he ought to recollect that cases of separation from bed and board, where the parties could not afford the expense of proceeding further, and could not afford the unavoidable expense of witnesses, &c.—were not unfrequent; and in such cases, how could the relief mentioned by the right hon. Gentleman be a benefit? However anxious he felt for an alteration of the law, he had not taken it upon himself, on the present occasion, to suggest the remedy. He was only desirous that the House should put the matter in a proper train for investigation, so that some remedy might be devised. He had already said that a divorce bill could not be passed through the House under an expense of from 600*l.* to 700*l.*, so that a complete divorce, which was permitted to the rich, was forbidden to the middle and poorer classes, who could not afford the expense of such a proceeding. It was extremely hard that the poor man should have no relief from an unfaithful wife, because he had not money enough to defray the costs which the Legislature had made the price of obtaining that relief. The principle was a wrong one, and the law founded on it could not be otherwise than injurious. The law ought not to couple separation from bed and board, which was an expense and breaking-up of comfort, with a subsequent expense, which prevented an injured party from obtaining a complete dissolution of the marriage tie. This was an unequal and unjust operation of the law. It would certainly be something if it could be shown that the law had worked well. But, to prove that it had not, it was only necessary to refer to the proceedings which took place upon every bill of Divorce in the House; it was only necessary to refer to the Standing Orders of the other House of Parliament, and to the arrangements which had been made there, with a view to prevent collusion between the parties, and the adulteress from marrying again. The precautions adopted there afforded a tolerable exemplification of the operation of the law of Divorce. But it was only necessary to appeal to the experience of the House, to see how the law operated. A Divorce bill was before the House this very evening, and the hon. Members who were then present might have heard the hon. member for Ashburton state as strong and as decided an opinion, with respect to collusion, as was ever delivered by Lord Eldon or by Lord Thurlow. Some remedy must be brought forward to meet this state of things. He acknowledged that he was not prepared with one, but even if he were, the advanced period of the Session would not allow him to carry a measure of that kind through Parliament, even assuming that the House was disposed to adopt it. But all this did not appear to him any argument against the investigation which he proposed. Because he was unable to bring forward a measure—because the House could not then pass a measure—was no reason why all consideration of the very important subject should be abandoned; on the contrary, it seemed to him a powerful reason why it should be investigated. A commission had been appointed by the King to examine into ecclesiastical affairs. The right hon. Gentleman said, that commission had been appointed for specific purposes, and that the law of Divorce did not come within the scope of their inquiries. But if the right hon. Gentleman had read the commission by which these commissioners were appointed, he would have found that it fully authorised them to inquire into matters of this nature. By the latter part of the commission it is directed that inquiry should be made into the jurisdiction of Ecclesiastical Courts, and whether, in any cases, that jurisdiction might be beneficially altered, or taken away from them. One of the objects, then, of the commission was, to inquire into the jurisdiction of the Ecclesiastical Courts. The commissioners, in pursuing their inquiries on the subject, might find out that it would be proper to give to those Ecclesiastical Courts the power of pronouncing the final decision in divorce cases, and of dissolving *à vinculo matrimonii.* His object was, that the commissioners might consider the subject, so as to be enabled to lay some plan before Parliament with regard to it. Looking at the constitution of the commission, he must say, that no individuals could be found better qualified to consider the subject than the persons appointed upon that commission. Of whom was it composed? Of learned Judges from the Courts of Common-law, and from the Ecclesiastical Courts, with whom were associated four or five of the most eminent members of the Episcopal Bench. A commission so constituted appeared to him peculiarly well fitted to investigate this subject, and to suggest some effectual remedy for an evil, the existence of which could not be denied. Before he sat down, he begged leave to notice one or two observations which fell from the hon. member for Clare, and which seemed to be in some degree corroborated by what was said by his hon. and learned friend the member for Tregony. He understood the hon. and learned member for Clare to say, that the rupture of the marriage tie, even in cases of adultery, was illegal, both according to the canons of the Protestant and Catholic Churches. By the doctrine of the Catholic Church, and by the canons derived from the Catholic Church, he admitted that the indissolubility of marriage was maintained; but he denied that by the doctrine of the Protestant Church of England a divorce from the marriage tie was not allowed in cases of adultery. Undoubtedly, Archbishop Bancroft did make an objection to any such privilege being granted by the Church of England; but before his time, Archbishop Cranmer held and acted upon a different opinion. The fact was, that for a long period after the Reformation, the law on the subject remained undecided; but ever since the Revolution, the point had been perfectly determined. Ever since the determination in the case of the Duke of Norfolk, the great dignitaries of the Church of England have held the opinion, that adultery constituted a sufficient cause for the dissolution of marriage, and no other opinion had since prevailed. Every bill of Divorce, in fact, which came down from the other House, brought with it the express sanction and concurrence of the bench of Bishops. Under all these circumstances, he submitted to the consideration of the House, that some remedy was called for by the existing state of the law. He thought that there was no hon. Member present who would not agree with him in the opinion, that the House of Commons was an extremely improper tribunal for the consideration and decision of divorce cases. Should the House not therefore see whether some more fitting tribunal might not be selected for that purpose? Was it to allow the Session to pass over without taking any steps for applying some remedy to acknowledged evils? His proposition simply was—"That his Majesty will be graciously pleased to give directions to the Commissioners appointed to inquire into the state of the Ecclesiastical Courts in England and Wales—to examine and inquire into the Law of Divorce, and to consider the expediency of enabling persons to obtain Divorces from the bond of matrimony, in cases of Adultery, by legal process in courts of competent jurisdiction." His proposition did not go to delegate any of the jurisdiction or authority of the House of Commons to the commission. He merely proposed, that a body of gentlemen, peculiarly well calculated for the purpose, should examine into the subject, and report to the House whether it might not be expedient to refer to the decision of courts of competent jurisdiction instead of Parliament, cases where divorces were sought on the ground of adultery. That was the nature of his proposition, and he repeated it, because many hon. Members who were not present when he first addressed the House might labour under a misapprehension upon the subject. He was of course in the hands of the House; but having brought this subject under its consideration, he was of opinion that the House ought not to separate without taking some steps to remedy the existing state of the law. To the majority of the members of the commission to which he proposed to refer the subject, all the topics connected with it were quite familiar. Many of them were distinguished for that learning which was necessary for the due consideration of the question; and it was doubtful if the House might again meet with a body so admirably qualified to examine the question, and to offer some suggestions that might lead to the adoption of some practical measure. With that view he meant to persevere in his Motion.

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* Hansard's Parl. Hist. Vol. xx. p. 595—xxxv. p. 234, 250.

The House divided:—For the Motion, 45; Against it 102—Majority 57.

List of the Minority.

Browne, J.
Baring, Sir T.
Crompton, S.
Carter, J. B.
Cave, O.
Clive, E. B.
Calthorpe, Hon. F.
Colborne, R.
Ewart, T.
Euston, Lord
Ebrington, Lord
Guest, J. J.
Gordon, R.
Grattan, H.
Grant, Right Hon. C.
Grant, Robert
Graham, Sir J.
Harvey, D. W.
Hume, J.
Honywood, W. P.
Huskisson, Rt. Hn. W.
Kennedy, T. F.
Lambert, J. S.
Lumley, S.
Lennard, T. B.
Martin, J.
Morpeth, Lord
Macaulay, T. B.
Nugent, Lord
Norton, G. C.
Ord, W.
Russell, Lord W.
Sandon, Lord
Smith, W.
Sykes, D.
Tufton, Hon. H.
Talbot, R. W.
Tennyson, C.
Wood, Alderman
Waithman, Alderman
Warburton, H.
Wilbraham, G.
Wynne, Sir W. W.
Wynn, Rt. Hon. C.
Ward, J.

TELLERS.

Rice, T. S.
Phillimore, Dr.

POOR-LAWS FOR IRELAND.] Mr. *Sadler* rose and said, that in addressing the House on a subject which he had at length obtained an opportunity of bringing under its consideration, he felt that it was little probable that he should be able to do anything like justice to its acknowledged importance;—a subject involving at once the highest principles and best feelings of humanity; one, not merely of a theoretical and abstract nature, but necessary, practical, and operative; not affecting a particular order or small part of the community merely, but bearing first on a numerous though unfortunate class of our fellow-beings, and through them upon the rest, however affluent and elevated; and lastly, Sir, a subject on which opinions the most various, and indeed opposite, are entertained, and each dictating a policy as essentially different —demands for its due and full consideration those qualifications in which (continued the hon. Member) I am as sensible as any one that hears me of my deficiency. Then, Sir, the circumstance of this House having so often entertained questions of the nature I have now the honour to submit to its attention, and to very little purpose; having passed, I think, hundreds of laws in reference to it, many of which, it is now confessed on all hands, were little reconcileable in their operation with their professed object—that of amending the condition of the poor, or the laws made in their behalf,—will render the House, I fear, little disposed to continued projects of a similar nature; while the fact of two or three committees now sitting, I believe, on matters bearing on the question to which I am about to address myself, may render my present course apparently the less necessary to be pursued. Sir, in approaching this subject, I feel forcibly these great discouragements; but I am still more deeply impressed with the duty I have ventured to undertake—that of attempting a general measure, the object of which will be, to better the condition of the labouring poor; to which ultimate and main design, the Resolution which I shall have the honour of submitting to the House on this occasion, important as I conceive it is in itself, is merely a preparatory step, but one which, I think, is essential to the success of the whole; and indeed to every proposition, of whatever kind, the object of which is of a similar nature. But to bespeak, as far as I am able, the favourable consideration of the House, I will venture to state, that neither the proposition which I shall have to submit this evening, nor the measure to which I wish it to be the precursor, are the consequence of recent convictions, or new lights upon the subject; or the result of some sudden and momentary impulse; much less are they suggested by personal motives or considerations—a course from which I should shrink with disgust: on the contrary, whether worthy of attention or otherwise, they are the result of attentive consideration, fortified by all the facts I have been able to accumulate, and by that experience which has been gained by personally engaging in the duties I wish to impose. The subject has long occupied my best attention, and is one to which I have rendered my recent pursuits subservient, and, however much I may fail in my attempt, I shall not incur the odium of having obtruded upon the House what I have not fully considered, and do not believe to be eminently beneficial and entirely practicable. Upon the general measure, however, which I hope to submit to this House, I will not now enter, though prepared so to do when the opportunity shall arrive, being thoroughly convinced that no proposition in behalf of the industrious classes of society, especially in England, can be of the least avail, till a legal provision for the poor of Ireland be first determined upon, and carried into effect. Till then we may appoint committees annually—may enlarge the scope of their inquiries—render their sittings perpetual—we may listen to and put into operation as many projects as we please; or, to exonerate from their duty private individuals, dip as deeply as we have already done into the public purse; but till this step, which justice, mercy, and policy itself equally demand, namely, the establishment of a Poor's-law for Ireland be taken, all these attempts will be in vain; the unrelieved misery will not merely afflict the country thus deserted and neglected, but it will reach England. The condition of the English peasant and artisan, already so much deteriorated, will be still further debased; and their condition will speedily be reduced to that of Irish labourers; and this once industrious, independent, and prosperous community will be degraded into a populace of paupers. Then, Sir, I fear it will be somewhat too late to deal with a question which ought to have been settled centuries ago, and which, if you mean to deal with it at all, admits of no further delay. The interests of the industrious classes of both islands demand that a legal provision should be enacted in behalf of the poor of Ireland, and that is the proposition which I intend submitting to the House on this occasion. Sir, the first argument which I shall advance in favour of that proposition is founded on the absolute necessity of such a provision, as it respects the labouring classes of England. Much has been said of late concerning the necessity of assimilating the institutions of the two islands as closely as possible; in this respect the necessity of so doing is abundantly apparent. The measure of the Union has not only identified the legislatures of the two islands, but has given far greater facilities to their mutual intercourse; and far more closely even than that great measure, has the invention and extensive adoption of steam navigation united them, and placed them, indeed, in point of practical effect, in closer contact than, for instance, are the great and populous northern counties, with this the metropolitan one—and has rendered the communication between them, as it respects the mass of the community, more easy, cheap, and rapid. The consequences are abundantly plain, and in the present state of things irremediable. The institution of the Poor-law of England encourages and increases the value of labour, as well as relieves distress; in Ireland, in consequence of the want of such a law, labour is discouraged and distress deserted. The result is inevitable—the influx of numbers from the latter country into the former, which nothing but a better system will ever prevent or abate. Other circumstances also combine to make this defect a still greater evil. If we consider the necessary consequences of absenteeism, and the great extent to which in that unhappy country it is carried; the exorbitant rents, and the ruinous and oppressive system of underletting, to which it gives rise; if to these evils are added their inevitable results, the clearing of farms, and driving forth the inhabitants at the pleasure of those who are thus invested virtually, though not ostensibly, with the power of life and death, and who are the means too frequently of occasioning the latter—a mass of misery presents itself in constant existence, which it is difficult to over-rate. Numerous little cultivators, who, notwithstanding the parsimony of living to which they submit, are barely enabled to sustain life, are deprived of their last shilling, and are sent forth at once, without the slightest provision, upon a country which yields them no employment, and affords them no relief. Where can they proceed? Many who can proceed so far, "beyond the western main" do so—many who cannot, move to this country, where they overstock the market of labour, and occasion, in no inconsiderable degree, that distress under which our industrious population now suffers. Such are the consequences, and they are undeniable. They would be the same were there in one half of this country a provision for the poor, and were the other half destitute of such a system. The indigent of the latter part would most certainly take refuge in the former, not perhaps for direct relief, but to share in the beneficial consequences which ensue wherever it is generally administered. The Irish do so—in increasing multitudes—nor do I blame them. I contemn those who refuse them in their own country that relief in their distresses which justice and humanity equally dictate, and which is rendered in every other civilized country upon earth. Thus it is, that the want of a national provision for the poor of Ireland operates as a grievous injury on those of England. The proprietors of the former island, being under no obligation to sustain the unemployed, the destitute, and distressed, send and drive them forth, when multitudes necessarily take refuge here. They come for employment and for bread. The market of labour is consequently overstocked, and its value greatly depressed, by the unnatural rivalry of those who are annually making this country their asylum. Thus is it, that in the field and in the factory, at the forge or at the loom—in every sphere of industry, the Englishman finds himself interfered with, his wages greatly reduced, and himself in many cases thrown out of employment. The poor creatures who take refuge here I do not blame. Absenteeism has deprived them of bread, and in its consequences driven them forth from their country: on the contrary, I would receive and relieve them, till a better system is established in their own country. In the mean time, however, I cannot refrain from reprobating in the strongest terms the conduct of those who cause these constant deportations. The interests of our own poor imperiously demand that those of Ireland should be sustained; and so great and growing is this evil become, that I think it will be found ere long that the rights of property, as well as those of poverty, will require the same remedy. I come, therefore, to the proposition which I shall this evening submit to the House, as preliminary to others of a more general character, which I hope to have the honour of proposing to it, namely, that there should be established in Ireland a legal provision for the destitute poor. In attempting to recommend to the attention of the House this proposition, it will be unnecessary to found my future argument on the claims that the industrious classes of this country have, that such a measure should be adopted; as it is in its nature one which, as applied to any country whatsoever, is recommended, and even demanded, by the plainest principles of justice, and by the soundest views of policy; and one which the peculiar condition of Ireland renders still more imperatively necessary. Sir, I approach the argument in favour of a Poor-law for Ireland, important as it is, with the greater confidence of success, from having observed that the ground of all those several propositions which have been successively submitted to this House, and some of them adopted, has been simply that of justice, alterations of the most momentous nature, with some of which I had the misfortune not to concur; others of a like kind which are still, it appears, contemplated; changes affecting, I may say revolutionizing, many institutions which had long been held sacred, whether meditated or made, have been all supported by the simple argument of justice. No matter how ancient was the principle to be attacked, no matter how deeply rooted the prejudices which were to be encountered, no matter how close soever individual interests might appear to be concerned; all these, it was, and still is agreed, ought certainly to give way to the principles of human rights—to the undoubted claims of justice. I hail these appeals, however I may differ sometimes as to their application: I hail them more especially as regards my present Motion, which is one, the justice of which is perhaps more apparent and demonstrable, however regarded, than any abstract legislative proposition ever entertained. And if to justice be added another plea, hardly less sacred, certainly not less touching, that of mercy, I cannot but think that it must be successful; that it will prevail on this occasion. I entertain the strongest hopes; that it will be finally triumphant I am fully certain. A measure which is equally dictated by the principles of reason, and the feelings of humanity; by the institutions of civilization, and the rights and interests of society at large; which has been sanctioned by the highest authorities that have ever existed, and adopted by every civilised country upon earth, save this one island, which has therefore, though forming an integral part of the richest empire in the world, stood forth as one of the most striking examples of misery which the state of Europe presents, must assuredly be successful. Before touching, however, upon this right of poverty, it may be proper to define what is meant by it. It is not put forth as a right on the part of the poor, to share individually and personally in any part, however small, of the real property of the country; on the contrary, it is one urged in perfect consistency with the claims of wealth, however great, and however rigidly maintained; it simply implies, as I expound it, and shall urge it on this occasion, a real and indisputable right that, after the institutions of the country have sanctioned the monopoly of property, the poor shall have some reserved claims to the necessaries of life, and that these claims shall be legalised only in behalf of those of the labouring classes, who are smitten with sickness, and consequently incapable of labour, disabled by age or incurable disease, and can therefore labour no more; of that infancy which, left destitute and parentless, makes so touching a demand upon our care; that these should be relieved in some humble degree, so confined if you please, and limited, that the right thus recognised shall make little apparent inroad on the amount of that wealth which shall be called upon to administer to these necessities; but on the contrary, when duly understood, shall actually increase its advantages. Finally, that all relief should be administered in the form of remunerated labour, wherever the applicants are capable of it, to such who are willing and anxious to earn their humble pittance by the sweat of their brow. Such then are the narrow limitations of the right we assert in behalf of human indigence, that the frugal means of subsistence should be awarded to those in actual destitution and distress—the right, in short, of existence. It forms a distressing feature in some of the systems now put forth, that this right, which for a succession of centuries has never been denied, now begins to be disputed. It lies at the foundation, however, of my proposition, and as such I shall attempt to uphold it; not indeed by any abstract arguments of my own, but by the unanimous reasonings and declarations of the highest authorities that ever existed in the world, and expressed in their own language. In doing this I shall not allude to the institutions of the legislators of the free states of antiquity, those of Greece and Rome, all of which, it is well known, recognized the right of their citizens to legal relief, and in a way so highly eulogized by many of their philosophers, especially by Aristotle, as regarding the former: nor shall I draw an argument at present from the still more liberal and far more imperative and direct institutions of Moses in this respect. I shall not appeal to the authority of the primitive Church before it was established, nor to its laws when it became dominant, in favour of this right, stated and enforced as it was by all these, by every argument, drawn from every source, human or divine. I will rather show, from those who have studied in later times the rights of mankind, and to whose exposition of them we continue to defer; selecting, however, but a very few of these, but of such an order as numbers could add nothing to the weight and importance of their authority. First, Sir, I shall quote the celebrated Grotius, who has expressed himself as to this natural right in his great work most explicitly. "Let us see," says he, "whether men may not have a right to enjoy in common those things that are already become the property of other persons." This is putting the query in a strong point of view indeed; hence he adds that "the question will at first seem strange, since property seems to have swallowed up that right which one man may lay claim to in common with the rest." "But this," he says, "is a mistake; for we must examine into the designs and intentions of those who first introduced those particular properties, which we may imagine to be such as deviated the least from natural justice. For if even written laws are always to be explained in that sense which comes nearest to common equity, much more customs then, which are unconfined, and not at all chained down to the letter of the law. From whence it follows that in cases of absolute necessity, that former right of using things, as if they still remained in common, must revive and be in full force." He says, moreover, that "such a right is for the preservation of natural equity, against the rigour and severity of property and dominion." He adds, indeed, that some precautions are to be regarded, "lest this liberty should go too far," and points out the very provisions which our own Poor-laws prescribe. This profound authority goes on to say, that "this is a received opinion amongst all divines," and remarks that in the original form of government there are these exceptions and provisions. And he finally adds, what I am sure none will controvert, "if they who were first concerned in that division of things we now see, could be asked concerning this matter, they would answer the same as we assert." Puffendorf gives a somewhat different view of the subject, but expresses himself in still stronger terms, and more at large upon it. These are the opinions of Montesquieu, in his great work, who thus expresses himself:—"The state owes to every citizen a certain subsistence." And whenever it happens that among the numerous persons engaged in different branches of trade some suffer—and he remarks upon the impossibility of a contrary supposition—he says, "that then the State ought to afford instant relief." I might quote many other writers, and indeed all the foreign jurists to the like purpose; but I shall waive any further appeal to them in favour of our own unrivalled authorities. And to whom shall we first refer on this important point? Who is it that, occupying the very foremost rank to this hour amongst the profoundest reasoners, and the most unsullied patriots of this or any other nation, is the best entitled to be heard? The understanding of every one who hears me will instantly respond, Locke. This great master of human reason thus expresses himself:—"Reason tells us that all men have a right to their subsistence." "We know," he elsewhere says, "that God has not left one man so to the mercy of another that he may starve him if he please. God, the Lord and Father of all, has given no one of his children such a property in his peculiar portion, but that he has given his brother a right to the surplusage of his goods, so that it cannot justly be denied him when his pressing wants call for it." This great man puts a case which the enemies of a legal provision for the poor urge will happen, but which I deny ever has, and I contend never will, namely when this right of poverty and distress presses hard upon, if not exhausts the property which has to support it—a circumstance which, I repeat, is wholly imaginary—"what," says Locke, "is to be done in this case? I answer, the fundamental law of nature being that all, as much as may be, should be preserved, it follows, that he that hath, and to spare, must remit something of his full satisfaction, and give way to the pressing and preferable right of those who are in danger to perish without it." Such is the deliberate doctrine of this great authority, the literary father of the English liberty, who to an understanding unmatched in its capacity thus united a benevolence as warm and unbounded. Blackstone, in his province of commentator, which he filled so admirably, adverting to this right of the poor, and to the compulsory provision which it dictates, declares the principle of the Poor-law to be a provision dictated by the very principles of society. Lastly, let Paley speak as to this point; Paley one of the greatest ornaments of the last age, who was the subject the other night of the deserved eulogy of one of the most powerful minds of the present day—Paley says, the poor have a right to this provision, "a claim founded upon the law of nature;" this he dwells upon at much length, concluding thus—"When, therefore, the partition of property is rigidly maintained against the claims of impotence or distress, it is maintained against and in opposition to the intention of those who made it, and to His, who is the supreme proprietor of everything, and who has filled the world with plenteousness for the sustentation and comfort of all he sends into it." Such are the opinions of

Paley, and I might add to his those of the divines of this country; such as Tillotson, Sherlock, Butler, and multitudes of others, who took no superficial or fanatical views of the great doctrines of their religion, but saw them in the lights of philosophy and truth. I should, indeed, weary the attention of this House, while those of the lights of the law, such as Bacon, Sir Matthew Hale, and multitudes of others, are equally explicit as to the absolute right of the poor to legal and legislative relief. So much then for the right of the poor. Now if the right of the poor to relief in their distresses be thus fully recognized, to urge the fitness and expediency of its establishment would be to betray the argument instead of supporting it. I may, however, just remark, that the main question as to the policy of Poor-laws rests upon their effect upon population, and, singular enough to say, the two opposite notions on this important subject concur in this, the expediency of a provision for the poor. Those who imagine that such provision has a tendency to preserve and increase the numbers of the people, and who also believe, what the history of every country upon earth has hitherto proved, namely, that with every such increase the necessary comforts, and even superfluities of life, are more than proportionately augmented, and hence that growing numbers under judicious and good management, are only other terms for augmenting prosperity,—I say such are of course advocates for the preservation of the poor. On the other hand, those who have imbibed the unhappy and erroneous notion that there is that in the principle of human increase which has a constant tendency to excess, and consequent misery, have now, I believe, come to the almost unanimous opinion, that Poor-laws have in their operation a tendency to check, instead of unduly encouraging that increase. Whichever view of the subject therefore is taken, the expediency of a national provision for the poor is equally acknowledged. But it may be, and is contended by those who object to a legal provision, that an optional one would in all cases be preferable. But I totally deny this, and, amongst many others which I shall omit to enumerate, for these important reasons:—First, it would impose the duty of sustaining the poor upon the benevolent, not always the most numerous, and very rarely the most wealthy part of the community; imposing upon them, if the poor should be adequately relieved, an intolerable burthen, from which too many of those equally able to sustain their share of it would be wholly excused: then it would substitute, instead of a regular and certain, a casual and variable supply, and in many cases where relief is the most indispensable, and its administration required with the greatest promptitude, it might be deferred too late, or might be totally and fatally withheld. It would change a system which ought to be regularly operative and permanently organized, into one of chance and accident; or otherwise demand a complication of machinery which could never be generally obtained or be rendered permanent. Finally, it would change that provision which is now rendered so as to be least degrading to those who receive it—who, notwithstanding all the cruel assertions to the contrary, are not unfrequently some of the most deserving as well as the most distressed part of the community—for a system of degrading mendicancy, with all its appendages of fraud, imposture, servility, and falsehood, with which it is always accompanied. But, Sir, we have no authority for substituting in lieu of a perfect right an imperfect and uncertain obligation, however promising it may be;—the very attempt negatives that right, which, if it exists at all, is of the most sacred and indisputable character. And let me ask such as are for thus defrauding the poor of legal relief, at the same time that they acknowledge their right to it, how such an attempt is reconcileable with the simplest ideas of justice?—how they would act regarding their own claims, not more sacred, not more essential, than those of the poor, were similar propositions made to them? Let me ask, for instance, that sacred profession, some few of the members of which (and thank God they are but few), are adverse to the demands of the poor, whether they regard their vested rights and legal endowments in the same light: they are learned enough to know that the rights they are so anxious to surrender, as it regards the poor, were anciently and from the first identified with their own; and it is little in the proper spirit of their sacred calling, that knowing the immense spoliations to which the poor have been exposed, that the legal relief which it was then found necessary to enact in their behalf, they should recommend that also to be abrogated; and opinional, variable, and uncertain relief to be substituted. Let them ask themselves whether, as ministers or professors, they would prefer to depend on weekly and eleemosynary collections, or on those certain funds which the law has assured to them. If this question needs an answer, Burke has given it, but he has given it in behalf of the pauper as well as the priest—that it is not fitting that they should be left to the unsteady and precarious contribution of individuals; hence, he has answered for this country that it will never seek its resource from the confiscation of the rights of the church, or of the poor. In a word, if the poor have a right to relief, the attempt to substitute, instead of the perfect obligation it implies, an imperfect one, is a direct insult upon the plainest principles of justice. But there is a further view than is at first apparent in this proposed substitution of an optional for a legal relief of the poor, and it is this: the hope of getting rid of most of the charge this duty implies by degrees, and at length, perhaps, altogether. It is imagined, and indeed has been often said, that some attentions, cheap and simple presents of courtesy, kind words and affectionate language, would soothe the sorrows and sufferings of poverty, and at length charm it out of existence; if not, education would entirely cure the grievance, and be the annihilation of that condition. But this idea is as absurd as it is selfish: that the poor will never cease out of the land—the assertion of the most ancient and sacred of the legislators of antiquity, whose institutions, nevertheless, were more favourable to the relief of that condition than any ever established in the world—is true of every state of society, and will ever remain so. It is not possible to rid any country of what too many consider as its nuisance and disgrace, nor is it perhaps desirable, were it even possible. Not only does the condition in which poverty stands in relation to wealth call into existence the best feelings and noblest virtues of the human heart, whether of compassion on the one hand or of gratitude on the other; but, in a political point of view, poverty, or rather the fear of poverty, which could only be inspired by its actual existence, calls forth all that activity, and animates all those exertions by which, not only the independence of the individual is secured, but the public prosperity enlarged and perpetuated. Meantime the victims of misfortune, who lay claim to that humble pittance which the law awards, and which nature stands ready to bestow, have enough of sorrow and suffering in their cup of life to prevent them voluntarily sinking into that condition which some so falsely represent to be one, not only of idleness, but even of indulgence. Yes, Sir, the poverty we seek to relieve will never cease; poverty of too deep and distressing a character to be tickled into mirth and ecstacy by the ready but empty hand of wealth and affluence; it would neither satisfy our feelings nor the wants of those we wish to relieve, thus to carry about an "alms-basket of words" to serve our own selfish purposes, while we made pretence of assisting the poor who are not to be so deceived—the "be thou warmed and be thou clothed" scheme of recent economists. "The poor ye have always with you," says the author of our religion, and the duty of solacing and supporting them he has constituted one of the most important and onerous of all the duties his religion imposes. But the most numerous and honest of the objectors against a legal provision for the poor, disencumber themselves of these flimsy substitutes for that right, and unhesitatingly assert it as their opinion, that the poor ought to sustain themselves in their destitution and distress by saving sufficient for that purpose. But nothing can exceed the absurdity of such a proposal. It is not only absurd, it is impossible. Let us turn our attention for a moment on those who are the objects of relief. The desolate orphan, for instance —how is this forlorn being to provide itself with this necessary fund?—or even the man in the prime of life, just entered upon his active labours, who may be stricken suddenly by lingering disease, or deprived of his limbs by some of those accidents to which his employment too often exposes him?—how is he to amass this fund. Other cases, numerous as they are afflicting, might be presented; but I go at once to the more general ones; as it respects these, I totally deny the possibility of this funding system, even amongst those whose health and strength have been the least interrupted. Let those who have the face to propose this plan to save their own property, expound to us how the great bulk of the agricultural labourers or manufacturing operatives are to save. The question is, how they shall exist?

and that, I fear, is becoming rather problematical to hundreds of thousands at this moment. But to what amount must they save to obviate the necessity of the poor's-rate? The actuary can soon answer this. One hundred and fifty millions in the savings banks would not suffice to meet the average individual demand. But this is not all, nor yet the principal part of the proposal. As none of the working classes can foresee on which of them those calamities which may need relief will fall, so each must save in order to meet this average demand; nor would even this suffice; each must save, so as to provide against not merely the average but the extreme cases of distress, in which many fold the ordinary relief is required; at least if this assistance, which would pauperise those who receive it, is it to be dispensed with. Why, Sir, a second national debt would not suffice for this notable scheme of destroying pauperism, by making the poor universal savers. All the circulating medium, about which so much has been said, paper or metallic, transferred at once to the pockets of the poor, would go but a little way to realize this absurd proposal. But supposing all these impossibilities fully surmounted; out of what part of their expenditure must the poor save at all? They must consume less food; especially of animal food, perhaps none; they must deny themselves the beverage which sustains and rewards their labour; they must go henceforth in rags; they must surrender those comforts and decencies which, in the times of their prosperity, render their cottages so unrivalled. Now, should they do this, is it not one of the plainest maxims in political economy, that the remuneration of labour bears a pretty exact proportion to the habitual wants and expenditure of those who render it: would not then their wages fall in the same rates, that their comforts had been sacrificed? The fact is, as Sir Wm. Petty observed long ago, nothing but necessity makes man labour at all, and the bulk of mankind will never labour beyond what is adequate to supply their habitual necessities. Besides, who does not see that if this saving were possible and universal, it would, in point of fact, be no saving at all; or at, least produce, the effect of none;—but our political economists argue from exceptions. But supposing, I repeat, that this universal saving were possible, and that there were no obstacles in the way of such a scheme, do those who propose it recollect that the mass of the community are at once not only the sole producers, but the principal consumers? What would then be the effect of this universal parsimony amongst the poor? You would get rid of some of your expense, but you would have nearly annihilated your income: you would have desolated your pastures, closed your manufactories, and what is worthy of consideration, emptied your Exchequer—in a word, you would become national bankrupts and you would have the consolation of richly deserving it by carrying into execution a proposition of such infinite folly and cruelty. But the truth is, that those who argue this question upon selfish, and therefore impolitic and unwise grounds, too often care but little what methods are adopted regarding the poor, so that they involve no expenses; in fine, they are well content to leave poverty to find its own level, to adopt the phraseology of the day, as applied to many other topics. We have only to see the consequences of this system. In Ireland it is so left; hence the potatoe system prevails, as it is significantly termed, because none other can; hence rags constitute the clothing of the bulk of the people; hence their cabins justify the appellation which Spenser so long ago applied to them 'sties,' destitute of all the decencies and comforts, and what would here be deemed the necessaries, of life. Hence, also, in Scotland, where the poor are only partially relieved, in conformity with this wretched and degrading system—there also similar distress prevails. As a most intelligent witness from that country deposed before a committee of the other House, "Where the poor-law is not introduced, there are a great many of the miseries which are found in Ireland." And as this system, if it can be called one, is recommended so strongly, and embraced so eagerly, by those who deem all that is expended on poverty a national loss, I shall just observe, as it regards Scotland, that the evils I have alluded to as being found where no legal provision for the poor prevails, are most conspicuous. An authority to whom the British Empire owes so much (Sir John Sinclair), describes the wretchedness to which the Scottish poor are doomed, affirming that the greater proportion of the labouring classes of the community hardly ever taste animal food. As to the wretchedness of their clothing, the discomfort and filth of their cottages (that filth which is always the concomitant of abject poverty, and that disgusting mendicancy which, as it is justly observed in the Edinburgh Encyclopedia, "is the pest that has long annoyed and oppressed her," none who can have traversed that country, where the Poor-law is not administered, needs to be reminded. And this is the condition to which the Legislature of the United Kingdom is often most gravely and piously implored to reduce the labouring poor of England. But I must observe, in passing, that there is a Poor-law in Scotland, and of a nature very similar to that of this country. In the sixth Parliament of James 6th, Act 71, it was ordained that "the hale inhabitants within the parishes should be taxed and stinted for the needful sustentation of the poor and impotent, so that they may live unbeggared." I need not recite other unrepealed Acts; it is well known, and has been recently solemnly tried and adjudged in the courts of Scotland, that, as here, any individual in absolute want has a legal claim to relief; and that the refusal to yield it generally is the result of a combination, conspiracy it ought to be called, among the rich, to intercept the relief which God and the laws award to any object of distress among them. But, Sir, waiving further remarks on these culpable evasions of the existing laws, I shall return to the main argument—the right of the poor to relief. This right, so undeniably clear and obvious, reinforced by the best feelings of humanity, and sanctioned also by the soundest policy, has ever been recognized. The heathen legislators universally recognized it;—all the free states of antiquity provided for the constant support of their indigent citizens; those of Greece especially, and in a manner which Aristotle, in his Politics, eulogises most highly. The historian of Greece, our learned countryman, observes, that there was a Poor-law in Greece. In Rome we are well aware of the constant largesses bestowed on the poorer citizens. In her unfortunate rival a similar provision prevailed. Beyond all these, the more ancient institutions of the Jews, as established by the greatest legislator and philosopher of antiquity, to designate him by no sublimer appellation—I mean Moses—fully recognized the right of indigence to relief, and legally provided for it. His laws, which, as Montesquieu observes, we often regard now as merely moral precepts, though they had the utmost legal force, framed originally so as to protect and favour poverty more than any ever promulgated in the world, still prescribed a provision for that casual poverty which, notwithstanding all his benevolent provisions, he saw and declared would never cease out of the land, which, applied to this country at the present moment, would more than double the burthens imposed for the relief of the poor, grievously as we complain of them. Those who have the slightest doubt upon the subject will do well to consult the work of the learned Selden, or his ancient authority Ben Maimon, whose exposition of the laws of Moses in relation to the poor is still extant. I will just remark, that to this ample legal provision for the distressed, Moses enjoined also the exercise of voluntary charity, in terms the most express, and enforced by considerations the most touching and solemn. So much for the dogmas of those who unhesitatingly declare that a provision for the poor is inconsistent with the exercise of real and voluntary charity; an assertion which, as made in this country, at once the most heavily taxed on account of poverty, and still the most celebrated for its voluntary works of charity and mercy of any nation upon earth, is not a little surprising. Can there be a doubt whether Christianity weakened the obligation to make certain provision—that religion of which a writer, so eloquently alluded to the other evening, Bolingbroke, said, "that charity was its very brand!" Wherever that religion has spread, there have legal institutions in behalf of poverty prevailed. In some forms of that religion it may even be doubted whether the provision has not been carried to a culpable excess, increasing, by actual and permanent temptations, that poverty it was intended only to relieve. We know how early a Poor-law was introduced amongst ourselves, and by the father of the Monarch, and the founder of our liberties. He ordained that the poor should be sustained by the parsons and inhabitants of the parishes, so that none die for want of sustenance. In all the Catholic countries of Europe we know the extent and splendor of the establishments for the poor. In the Protestant ones another system prevails, namely, a direct Poor-law. This is the case, for instance, in Switzerland, in Sweden, in Denmark, in Norway; even Iceland, poor as she is, is not too poor to have a law for the relief of the indigent. Holland, it needs not be said, has long had the same institution, and has long been a pattern to the world for the exemplary manner in which the poor are there sustained. In the Netherlands there is a similar law in full operation. In France, where the spoliation of the Revolution ruined so many of the rich, and reached the funds for poverty and distress, the public revenue is beginning to be disbursed for the relief of indigence, and a regular system is gaining ground throughout the country. While, in the New World, where we had been taught by some to suppose that no poor, nor laws for their relief existed, we know, on the contrary, that the most liberal and efficient system of legal charity ever established is in full operation, involving, as far as our information hitherto extends, an expense to which even England is a stranger. Thus, for instance, the poor of the city of New York cost the public not far short of 200,000 dollars annually. Whichever way we turn, we see a system of national charity in full operation, excepting in one country, and that country is found, unhappily, in our own European empire; and, still more lamentable to say, in that part of it where such an institution is beyond every other the most necessary. But I shall not extend these observations. It is enough to have shown that in almost every country under the sun, where the rights of human beings are at all recognized, and where the institutions are professedly founded upon them, there is a legal provision made for poverty, which is the more efficient the farther advanced in knowledge and character such nations may be. So true is the observation of our great moralist—a decent provision for the poor is the true test of civilization. Now, Sir, let us ask why is it that Ireland, an integral part of an empire which has long taken the lead in every thing charitable and excellent, and in legally providing for the indigent more especially; why is it that in Ireland this right, recognised by every other civilised nation, has been resisted to the present hour? Is it that there is no necessity for this provision, or that the Irish are a caste so degraded that they have lost their natural right to it; or that property is absolved from the duty it owes to poverty, by some undefined immunity which it enjoys in no other country, and which it would be its lasting disgrace to plead if it had? On the contrary, Sir, circumstances peculiar to Ireland render the introduction of this just measure the more necessary. I will repeat some of its grievances: the long bane of Ireland which has existed, and indeed gone on increasing for many centuries, absenteeship, abstracting the wealth, and lessening the demand for labour in the country; connected with its concomitants, exorbitant rents, and underletting; which render the constant condition of the peasantry wretched in the extreme; and which, on any fluctuation in the season and the crops, places multitudes of them on the very verge of famine, and indeed often pushes many of them into its gulf; and lastly, this constant poverty, and occasional extreme want, superinducing that disease, which never wholly leaves Ireland, and which is sometimes heightened to that frightful degree, that thousands are swept away in its dreadful ravages; a calamity which all the medical authorities I have seen attribute to an insufficiency of the necessaries of life; I say all these circumstances most loudly demand the establishment of a Poor-law in Ireland, as more necessary than probably in any other country in Christendom. Nor must I ever lose sight of the interests of the poor of this country, which I repeat imperiously demand such a regulation as should prevent those influxes of labourers of every kind which our superior system constantly attracts to us, to the infinite detriment of our industrious classes. But regarding the justice and necessity of a provision for the poor of Ireland, in reference merely to their own condition, I will beg leave to quote the authority of one of the first advocates for the measure, who has put the argument forth in such a manner as to render it irresistible, whether addressed to the understanding or the feelings—a writer, moreover, who published more than three score years ago, when the population of the country little exceeded two millions and a half. I mention this to anticipate the objections of those who may choose to attribute the misery of Ireland to excessive numbers, and who consequently confine their remedies to recissory measures only—an argument which is difficult to deal with, because it is quite as regardless of the facts as it is of those feelings which otherwise decide this question. The admirable author to whom I allude is Dr. Woodward, Bishop of Cloyne: it is difficult to make a selection from his publication, not a word of which is redundant; I will, however, attempt to do so.

He entitles his work "An Argument in Support of the Right of the Poor of the Kingdom of Ireland to a National Provision;" and, as his work shows, he had to encounter the very objections so frequently, but erroneously urged at present; namely, the pretended "enormous expense," "the exorbitance of the Poor-rates, &c." of this country; or, in other words, "the absorption of rents," now so universally put forth as an overwhelming objection. I shall first quote this excellent Prelate's opening sentence: "That the lower class of our people are very ill-accommodated with lodging, raiment, and even food, is but too manifest to all who are acquainted with their manner of living. That their poverty is like to continue with but little mitigation will be evident to any intelligent man, who reflects on the following, among other causes of it: the exorbitant rent extorted from the poorer tenants, ever loth and afraid to leave their ancient habitations; by the general method of letting farms to the highest bidder, without any allowance of a tenant's right: the system of letting large tracts of lands to undertakers, inured to tyranny and extortion, as prejudicial to the landlord as to the under tenant: and the low rate of the wages of labour. These circumstances, combined with some others, reduce the Irish cottager below the peasant of almost every country in Europe. Such is his hard condition, in the most plentiful season, and in the prime of his health and strength: what then must be his state in time of dearth, under the pressure of years, infirmities, or even a very numerous family? He is a stranger to luxury, or even to decent accommodation, and yet his wages seldom afford any reserve. On the death of such a father of a family, dependant on his labours for their main or perhaps entire support, how forlorn must be the condition of his widow or orphan children; It would shock a tender mind, if imagination could paint the miseries to which the bulk of the inhabitants of this kingdom are constantly exposed by the slightest reverse of fortune; by a single bad season; by an accidental loss; by an occasional disease, or worn by the gradual decay of nature. Nor are these affecting scenes confined to seasons of scarcity; they must always exist in a great, though not equal number. They present themselves but too often to every country gentleman, and still more to the clergy, in the exercise of their parochial duties (to whose experience we appeal) to need a proof. They cannot be doubted or denied by any, but those who shut their eyes, or steel their hearts against them. So numerous, so urgent, and well known are the distresses of the poor. Let us now fairly estimate the sufficiency of the resources at present subsisting for their relief. Our eyes will naturally be turned first to the landed gentlemen, who derive their wealth and importance from the labour of these men." (Is not this a truth, and if so, is it no argument?) "Of these (continues this clergyman) many, perhaps a majority of the most considerable, constantly reside in another kingdom; and though some of them may cast back a part of their superfluity on those to whose industry they owe their all, yet it is to be feared that such instances are very rare." "On the contrary," says he, "it is too frequently urged, as a recommendation of Irish property, that it is not encumbered with any tax for the maintenance of the poor!"—He wonders how such a phrase should be so familiarised to the ear of any wise or good man as to lose its genuine horror. "If the sentiment were developed," he adds, "few would entertain it, and still fewer avow it; no ingenious reader will therefore think it invidious or unnecessary in this interesting argument, to lay open its plain import, which is this: an estate in this country is represented as peculiarly advantageous to the landlord, because, though he may, and generally does, avail himself of the utmost profit that can be drawn from the labour of the tenant, (leaving him too scanty a present maintenance), he is nevertheless at liberty to abandon that labourer to perish, when he is unable to work any longer. Is this boasted privilege either honourable or desirable? A wise man would not glory in such an exemption, a good man would not claim it, and he who wishes to enjoy, does not deserve it." He thus combats the argument too often put forth in favour of depriving the poor of their rightful claim to relief, for the purpose of substituting it by an optional sort of charity, a very favourite notion with some for reasons sufficiently obvious. He says, "It cannot be denied but that far the greatest part of our lands do not enjoy the benefit of the proprietor's residence, and in general the poor of these estates partake not of his charity. Now," says he, "when we have weighed, on one side, the extraordinary indigence of the whole peasantry, and allowed, on the other, for the number of absentees from the kingdom, the remoteness of many estates from the mansions of the resident gentry (which together render it no uncommon case to find a tract of country containing some scores of square miles without one family of note), it will be intuitively clear that there can be no balance, nor indeed the least proportion, between the necessities of the poor tenants and the alms of their landlords." Then regarding that method of relief which some are so anxious should remain the principal source of support in that country, and indeed become so in this—that of obliging the poor to relieve each other—he expresses himself in terms of just indignation, both as to the cruel selfishness and utter inadequacy of any such mode. I will just quote further the words in which he sums up his unanswerable argument in favour of the right of the poor, agreeable to the plainest rules of reason and the fundamental principles of civilization. "It would be a waste of words," says he, "and a disgrace to reasoning, to labour to prove a point so clear as this, that the richer members of society, who are the minority, have no right to exclude the lower class, who are a majority, from any portion of the public patrimony, without securing to them the resource of a subsistence; when they must otherwise be reduced to the dreadful alternative of breaking through those regulations, or perishing by a dutiful obvervance of them." The Bishop goes on to particularize those to whom he would have administered the relief a national provision would ensure. They are: 1. The infant poor. 2. The sick poor. 3. The aged poor. Alluding to the latter, he has this remark.—"If at the close of life they become a burthen, and having only to plead their former services, they have not that plea allowed from reasons of policy, it would be a still higher degree of economy, and even mercy, to adopt the refined Indian policy of putting an immediate end to them." Even regarding the improvident poor, against whom, however, this admirable political philosopher would take a distinction, still he would not warrant their utter desertion. And who could, who understands his own imperfection or his duties? I will terminate my appeal to him with what he says on this subject:—"If we may without injury to the State (and must, if we expect mercy ourselves), relieve the distress, though we blame the cause, wherein consists the inexpediency of obliging those of the rich who are too distant or dissipated to know, or too callous to regard, the misery of the poor, to contribute to its relief, and not to throw the whole burthen, as at present, on the resident, the considerate, and the benevolent; for a legal provision has this double advantage over voluntary alms, that it is at once more equitable to those who pay, and most equal and effectual to those who receive. But, if no reasoning can justify such obduracy as would permit a wretch to languish without help in age and sickness, because he had not made a provident use of his health and strength, on what principle shall we conclude, from the imprudence of the parent against all compassion to the orphan children?—on what pretext shall we exclude from the public care the distresses of the laborious and frugal, which were owing neither to their own nor their parents' political sins, but took their rise from high rents and low wages; from the scarcity of food, or the check of a manufacture; from the sudden increase of family, or the death of cattle; from disease unassisted by medicine, and in consequence, perhaps, of that want of help, the untimely loss of an industrious father?" He goes on to state many other facts and reasons in behalf of the introduction of legal relief for the poor of his country, and has answered, by anticipation, most ably, all that has been urged against so excellent a measure. He has shown their peculiar necessity and fitness, and the other advantages with which it would be attended, even in reference to important objects other than merely that under his consideration. To the honour of his function and of his memory, he was one of the first, if not the very first, who pressed upon the public, at any considerable length, the necessity of the extension of national relief to Ireland. His proposition, which I now re-urge in this House, may, perhaps, be awhile resisted; but, backed as it is by the highest duties and best feelings of humanity, it will assuredly prevail. But it may be said that the distresses under which Ireland laboured when her population was so scanty, have much abated since it has so greatly enlarged, and that, therefore, this national institution of charity is the less necessary. Sir, in no state of society can poverty be wholly abated; in none is it reduced to such a state as not to demand constant and permanent relief: and in that of Ireland least of any. Sir, it is unnecessary for me, I think, to describe the state of destitution in which Ireland is still plunged, and from which it will never be extricated till you adopt a permanent system of relief. The condition of the peasantry is known to most Gentlemen who hear me, it is known to myself—and I speak on that knowledge, and on the authority of numerous documents I might adduce: with these, however, I shall not now fatigue the House: I will merely point to their miserable condition when one of those visitations befal the country, which a material deficiency of the crop there invariably occasions. This will give more distinctly the features of that misery which constantly prevails there, though with considerable fluctuations. The failure of a crop not only occasions that general distress to which the Prelate I have just quoted so touchingly alludes, but it superinduces that disease which is still more dreadful. So that, whatever has been the state of population, whether large as at present, or small as in former times, still that epidemic has constantly prevailed in the country, which on these lamentable occasions has rapidly spread, and produced consequences the distressing nature of which can hardly be exaggerated. Sir, the destitution which oppresses so large a part of the people is as constantly experienced; like a lingering disease, which perhaps is as deplorable in its partial remissions as in its exacerbations, and, perhaps, as regards Ireland more deplorable, as in the extreme cases the sympathies of the empire are excited, and relief is at last, though tardily and imperfectly, administered. Now, Sir, we learn from all the best authorities on the subject, that the fever which has so long returned upon Ireland as its deadly scourge, and which its medical writers pronounce to be never wholly extinct, arises, according to their deliberate opinions, from the suffering and distress, the wretchedness and penury, to which the people are constantly exposed, and of which they are so often the victims; and from the recurrence of which nothing but an organized system of national relief, and funds supplied by law, will ever secure Ireland. Look at the last of these painful visitations. Was it fitting that the country should have then been without its national charity? The death of thousands and the ruin of tens of thousands is plainly attributable to this infamous neglect. It originated, as Drs. Baker and Cheyne observe in their valuable history of that pest, in a great measure from destitution and distress, heightened by the melancholy and gloom which fell upon the people from a view of their utterly hopeless condition. Deprived of their labour and bread by the evils to which I have before so pointedly alluded, and driven forth, many of them found no relief but the casual gleanings of food unnatural and often disgusting to human beings; the relief from mendicancy was often denied to them, for, as the same writers observe, the moving mass of hopeless misery which was then afloat, was often repulsed or driven from the towns into which it sought entrance and relief—some died of direct famine, and many of the same dreadful evil in a more lingering form. Sir, the volumes I hold in my hand, though they never touch upon the subject I am addressing myself to, but merely comprise a record of facts, form indeed the strongest evidence in favour of a system of legal charity that could possibly be adduced. But how melancholy are their contents; they are, like the roll seen by the sacred seer of old, written within and without with mourning, lamentation, and woe. I had intended to read from these official reports a few pages, as a specimen of the whole, but I forbear out of regard to the fatigue of this House in this necessarily long discussion. Let it suffice to say that these reports, &c. verify the fact of the constant existence of fever in Ireland, and attribute it to the poor and scanty food, the insufficient clothing, and the wretched habitations of the people. They describe them in many parts of Ireland, as having then subsisted on the unwholesome and unnatural food gleaned from the fields, or from the putrid remains of fish gathered on the shores;—and that even these supplies were insufficient; but I shall not harrow up the feelings of this House by further adverting to the distressing details these volumes present; and, Sir, will any man assert that optional charity did its office in a scene, and at a season like this? Can any one dare to say, the poor were adequately relieved at this period? Let me not, however, Sir, be understood to say, that distress so overwhelming perpetually prevails there—

I do not mean to say that it always rose to that height: but, Sir, a dark flood of suffering always covers that unhappy country, though ever and anon a swelling wave may sweep over its surface, and ingulf it in deeper and more universal misery. But though, Sir, I am not meaning to argue that equal distress always prevails; yet I do maintain, that much prevails at all times which demands a very different system of relief, much that nothing but the introduction of national charity will ever adequately relieve or lessen. In proof of this general mass of inadequately relieved suffering and distress as constantly existing in Ireland, I will make a very short, and, I think, decisive appeal, not founded upon any mere observation, nor dictated by any authority, however respectable, but having in itself the force of conclusive and undeniable truth. Sir, in the last census of Ireland, for the apparent exactness and accuracy of which the country is so highly indebted to Mr. Mason Shaw, the population, as in this country, is divided into ages. And, Sir, making the children in each country, under five years old, to be the radix of the calculation, to every 10,000 of these there would be in England 15,704 persons at and above the age of forty; whereas in Ireland there would be 11,522 only: above the age of fifty the number in this country would be 9416, in Ireland 6483; the former exceeding the latter by one half; above sixty in England the proportion is 4980, in Ireland 2560—almost exactly one half only are found in existence; upwards of seventy, in England there are 1950, in Ireland 778; above eighty, here 440, there only 155. Such then is the effect of leaving the poor unprovided for, upon the health and lives of the wretched victims of poverty and disease thus deserted. There may be some, by possibility, who will regard this statement as highly satisfactory; some who have come to the complacent conclusion, that the rich alone ought to be the monopolists of existence as well as property, and that the poor have in no case "any claim as of right to the smallest portion of food"—I quote one of them—and but little to existence itself. But if truth did not put down such horrible notions, the feelings and rights of human nature speedily would, the moment they became practically adopted. But, Sir, supposing that we were to reduce the right of the poor to relief to a mere *argumentum ad crumenam*, even then I think, on referring to the expenses incurred in Ireland on account of the poor—first, directly in the form of Grand-Jury Presentments, matters which, it is as notorious as noon-day, are often direct jobs, and that they corrupt the rich instead of relieving the poor; and, secondly, if the indirect expenses the present pernicious system involves, namely, the charge of prosecuting and punishing, imprisoning and transporting, those whose offences originate in abject poverty and want of employment, which, as Sir Matthew Hale says, feed the gallows and the gibbet—if to these retrenchments were added, as I am persuaded there might then be, much of the expense the constabulatory establishment occasions, and no inconsiderable part of that of the standing army there, which are only present to put down those disorders which, as a late Secretary of Ireland has well observed, have constantly originated in local distress or oppression; you would gain millions by the change. You would gain more than those millions, in the peaceful and gratified demeanour of an affectionate peasantry; in their returning devotion to a country and a constitution which had considered them in their low estate, had relieved them in their distresses, and given them a heritage, however humble, in the land of their fathers. Nor would the advantages rest even here, great as these are; in giving employment to that idleness which is now sustained, and consumes, like a canker, the national resources—employment which would be rendered indispensable to any system of relief you would contemplate to introduce, and for which there is in Ireland a present sphere beyond any other country upon earth, you would develope the resources of the country, add to its free liberty, and multiply its wealth; and connect with all these mighty advantages a perpetuity of prosperity which nothing thenceforth could disturb or destroy. Under all these circumstances, and after mature deliberation, I have arrived at the conclusion that not only is a legal provision for the poor in Ireland the most necessary, but it would be the most beneficial of all measures that could be adopted. It would employ the idle, and raise the value of the labour of those employed, now so distressingly low; it would bestow quiet—it would ensure peace—nay, it would diminish the expenditure, as well as the suffering and distress of the country; it would compel those to contribute to the relief of poverty who are the prime causes of its existence—the absentees; in one word, it would benefit equally every class of society, the benefactors and the benefitted; and, in the literal meaning of the term, it would be that mercy which is "twice blessed, which blesseth him who gives and him who takes." But the great, and indeed the only objection, worthy notice against the introduction of a Poor-law into Ireland, is this, that there is no machinery necessary to its due execution. But, Sir, I am fully persuaded that when this objection is duly considered, it will rise into an argument for the necessity of the measure. If it did not find that machinery, it would of necessity create it: it would either bring forth into active exertion those who are at present culpably negligent of their duties, or it would recal those who have deserted their country; and if their principles are ineffectual for that purpose, their own interests would be all powerful for its accomplishment, and the preservation and due administration of property would be the guarantee for the due discharge of those personal duties, when higher and worthier motives had been totally disregarded and ineffectual. But, Sir, let us hear no more of this want of machinery. When the work of exaction has to be perfected; when the demands of the landlord or the law have to be realized, then, indeed, the machinery is at hand, and it is omnipotent for its purpose; that when the work of mercy is to be accomplished, when the sufferings of humanity have to be assuaged, and the duties we owe to our fellow-beings discharged, there could be no machinery formed for this peaceful and merciful purpose is a perversion of language and an insult upon reason and common sense. Sir, the supposed absence of that machinery for this just and necessary purpose, which the enactment of Poor-laws for Ireland would either recal or create, is of itself no mean argument in favour of this just, merciful, and necessary measure. The moral police, which the system would inevitably establish, would of itself be worth all the expense it would involve. But, Sir, the assertion that there is no machinery for so great and beneficial a purpose as that now proposed, is an insult upon the entire country. That bravery which is the characteristic of Ireland assures us of its inseparable associate, compassion; and I hesitate not to say, that placed in the middle ranks of society in that country, the friends of mercy would be as religiously guarded, and as conscientiously appreciated, as they would be in any community upon earth. But to dismiss this, and many other objections, in order to attend to the only remaining one which I shall now notice, and which, however disguised, I believe to be the only substantial one which impedes the measure I wish to propose: it is the great and growing expense which it is believed this institution would demand, which constitutes the main objection to its introduction into Ireland. And, Sir, this paramount objection is grounded upon a gross misconception, as to the effect of the Poor-laws in a pecuniary point of view as it regards England. I had meant, Sir, to have entered into this part of the subject much at large, fully aware, as I am, of its importance to the argument. But I shall confine myself, in deference to the House and the fatigue I have already occasioned it, to a very few observations. And first, I utterly deny that the Poor-laws of England have occasioned a great and growing expense. I hold in my hand, Sir, ample and irrefragable evidence of that important fact; but I shall only glean a very few proofs. Soon after the establishment of our national charity, the expense of maintaining the poor equalled one-third of the public Revenue: it now amounts to one-ninth of it only. In 1680 the amount of the Poor-rates of England and Wales was still one-third of the Revenue, and bore the same proportion to the exports. In 1776 the same duty imposed upon us only an expense of one-fifth of the Revenue, and one-seventh of the exports; while now the same expense amounts to but one-eighth of the national revenue, and one-tenth of the exports, the same expense having, in the meantime, diminished, as calculated from 1818, above one million. It will be remarked that I have omitted the returns of pretended average amount in the years 1747, 1748, and 1749, though they have of late been constantly made the radix of the fallacious calculations that have been put forth, officially, or otherwise, on the subject; as it is a notorious and well-known fact, and one recorded in the histories and parliamentary proceedings of the time, that they were so grossly deficient, as to be utterly worthless.—Then, Sir, the number of the poor has been conformable to the same scale of calculation. In the latter part of the 17th century, Gregory King, one of the most accurate satistical writers this country ever produced, calculated their number, including children, at 900,000. They were in 1608, when the children were also included, increased by one-tenth only—a great relative diminution therefore. Advert to the difference in the population, and not a single word by way of comment is necessary. In a word, the expense occasioned by the poor, and the number of those chargeable, has ever been the fruitful topic of declamation; but when seriously and fairly considered, we must come to the conclusion of one of the most intelligent and laborious writers that ever discussed this important topic, who, after making his historical collections regarding them, occupying as they did three quarto volumes, comes to this conclusion.—The rise in the Poor-rates has not kept pace with other branches of national expenditure, or even with our increased ability to pay them. This opinion will be yet more striking, when it is considered that in the sums now set down as the charges of the poor, one-fourth at least ought to be put down as wages, owing to the pernicious system which now so generally prevails. I had meant, also, to have contrasted the system of sustaining the poor now established, with that of which it is plainly the substitute; but this also I will waive on the present occasion. I will only remark, that a legal provision for the relief of the distressed is coeval with our Constitution—that it so greatly augmented that the lands of the church and of the poor at length amounted to one-third of the property of the kingdom; that when the last Henry, by an act of wilful spoliation, unexampled in any previous age or country of the world, confiscated to his parasites and mercenaries those rights, he promised at the same time a better provision for the poor out of those spoils, as did the French revolutionists, but he performed it not, neither did they. After that confiscation, Sir, the destitute poor were destroyed by multitudes, above 70,000 perished by the hands of the executioner in his reign; and an almost equal proportion in those of his successors, till at length the Poor-laws of England were established, drawn up by Bacon, and his proudest and noblest work. The effect of this law we have delivered to us by an eye-witness of both systems, Michael Dalton, who wrote the legal text-book of that period, and who delivers to us, from his own experience, the infinite advantage to society from the introduction of the Poor-laws. Happy would it have been had they been introduced into Ireland, as a contemporary deeply deplored they were not. Then would the population of Ireland, which still is what that of England was then, in idleness, degradation, and destitution, have risen with ours in an equal degree of comfort, contentment, and happiness;—a population which, notwithstanding all the vituperation which has been levelled at it, is unrivalled either in intelligence, industry, morality, or benevolence, by any people upon earth. And, Sir, I demand in behalf of this people, as a measure of defence, that a provision for their poor brethren of Ireland should be established, and without delay. [*"Question" from two or three Members.*] Question! I will tell those Gentlemen what is the question, The question is the comfort, the support, nay, the very existence of the poor and destitute in Ireland, and if honourable Members can find avocations more worthy of legislators than the serious discussion of this question, they are at liberty to pursue them elsewhere. Sir, I am aware that I have urged my arguments feebly; that I have omitted others which I ought preferably to have advanced; but I have occupied the House long; and I am myself incapable of proceeding: I am urging no new factious, unconstitutional claims: I am proposing no untried and novel systems: I am demanding, in behalf of the people of Ireland, their real and substantial rights—that people whose whole condition you were last Session exhorted to take into your consideration. You have seen good to take from most of them their political privileges; accord to them their natural rights in the name of justice. In demanding this I am sanctioned by the principles of civilization, the feelings of humanity, the doctrines of revelation. I am asking it in the name of the people of the United Empire, who demand it, and in unison with that voice which, whatever it may be in other cases, is assuredly in this the voice of God! Sir, I think the character of this House is at stake, and I call upon it to act, regarding all classes of society with justice and impartiality.

The claims of those who have served the public in high, honourable, and lucrative situations, have never been here disregarded. Ministers, Judges, Chancellors, and other servants of the Crown; all public officers, civil, military, or naval; all ministers of the Church, of every order and degree, are either secure of their remunerations, or of those retired allowances which are awarded to their possession. They may, and most of them actually have, private fortunes, yet the munificence of the country either allows them to occupy their offices for life, or awards to them ample retired allowances. Are these reckoned improper, immoral, degrading, when received by the wealthier classes of society? No. Vast as is the expense so occasioned, compared with the fewness of the numbers benefitted, as compared with those of the poor, these expenses occasion no murmurs,—*Da pretori, da deinde tribuno*, as of old,—but that the wretched should receive any thing; that the poor worn-out labourer, who has had the misfortune to survive his strength, should have a morsel from the fields which he may have tilled for half a century; or that a cripple, who has been maimed in the boasted manufactures of the country, should be allowed a few daily pence at the public cost—that, with our political economists, sacred and profane, is the supposed grievance; it is one, however, against which this House will never inveigh; it is one, I hope, trust, and firmly believe it will, to its immortal honour, be anxious, from every consideration, whether of policy or justice, to extend to Ireland. No, Sir, the Parliament of this country, which has at all times, and in this Session, satisfied under such considerations the claims of the more elevated applicants, will not, cannot, refuse to helpless indigence, when it can labour no longer, the little pittance which justice and mercy equally demand in its behalf. But, Sir, I confidently anticipate a better course from this House. I trust, I believe, it will justify that character which it has on all great occasions hitherto exhibited; and in which it has through life been my pride to regard it. When did it happen that this branch of the Legislature, calumniated as it has been, failed to justify its title of the best friend to the real rights and interests of the people? when has it not preferably leaned to the weakest and supported the feeblest who had justice on their side? Sir, a short time has elapsed since this House, which had long before swept from these shores the very sight and contamination of slavery, recognized, by a great and godlike act, unexampled by any previous legislative assembly in any age of the world, and in spite of national interests and remonstrances, the liberty of one quarter of the world, and became the armed champion of the unhappiest of mankind. Long before then, Sir, when public opinion was little known, and the popular voice was never heard; when no Press existed to watch its proceedings, and to control its course, Parliament provided for the poor; let the present one complete that great work, and in extending the provision of that act to Ireland, thereby secure to that country its future happiness and prosperity. Then will the glory of the country be complete, and this House will redeem itself from that imputed indifference to the rights and interests of the poor with which it is too often accused: then may every Briton adopt the exulting language of a hero of antiquity, as paraphrased by one of our own poets, and apply it to his own happy country to its utmost possible extent—

> "Safe in the love of heaven an ocean flows
> Around our realm, a barrier from the foes;
> 'Tis ours the sons of sorrow to relieve,
> Cheer the sad heart, nor let affliction grieve,
> By Jove the stranger and the poor are sent,
> And what to these we give to Jove is lent."

Sir, the poor of Ireland are this night at the bar of this Imperial Parliament. Many of the wealthy lean to these claims, and now are most anxious to concede them. The interests of the country demand a concession of those humble rights which have been already recognized in every civilized country upon earth. An act of mercy and justice can never be contrary to the dictates of true policy: it is one which our consciences dictate; which the public voice demands: and which, sooner or later, must be conceded, even if now refused. May we better consult what is due to our character, to our constituents, and to justice itself, and not record our verdict against justice and mercy, because it is found in the garb of poverty and distress. If I could, therefore, bring before this House those wretched objects who so loudly claim our consideration and relief, if I could bid them,

> "Come like shadows, so depart,
> Show their eyes, and grieve their heart—"

then, Sir, I am sure their claims would be instantly conceded; and, more than this, if it were possible, by an act of prescience, to summon forth those miserable victims of suffering and poverty which the further withholding of so just and necessary a law will as surely occasion, as the want of one in previous times has already occasioned—the sorrow, destitution, and death that will be the inevitable result of our longer neglect, with the deeper anguish which the survivors will have to endure; then, Sir, can any one who bears the human form refuse his vote on this occasion? Should we do this, there is an eye to witness these sufferings, a Being who will record them; and who will not hold him guiltless, who, seeing his brother have need, and knowing that he will require assistance, shutteth up his bowels of compassion against him; and all from a deep and doubtful speculation, founded, as I contend, upon the grossest error and delusion, that the measure proposed may possibly diminish the revenue of the most affluent part of the community. Sir, I hope better things of this Parliament, whose date is almost run, on the most favourable principle of anticipation; but, on other grounds to which it is deeply painful to allude, though it is not unappropriate on this touching occasion to do so, we know too well, that, as a Parliament, our days are numbered. May we illustrate the remaining span by an act of mercy, which shall immortalize this Session, and render it, in one of its terminating acts, worthy the gratitude and admiration of posterity." The hon. Member concluded by stating, that he should, as a preliminary to a general measure for bettering the condition of the labouring classes of the kingdom, move that the following Resolution should be adopted by the House:—"That it is the opinion of this House, that the establishment of a system of Poor-laws, on the principle of that of the 43rd of Queen Elizabeth, with such alterations and improvements as the alterations in the times, and the difference in the circumstances of England and Ireland may demand, is expedient, and necessary to the interests and welfare of both countries."

On the question being put,

Lord *F. L. Gower* rose, to oppose the Motion, which he did not mean to do, he said, with any asperity of language or feeling, though he had much reason to complain of the hon. Member's course of proceeding. He had no other means of judging what motions were to be submitted to the House, but the notices on the Order Book; and certainly, when he saw a notice of a motion for leave to bring in a bill to improve the condition of the Poor of the British Empire, he did not expect that it would fall to his lot to be obliged to oppose a resolution to extend the Poor-laws to Ireland. But after the hon. Member had devoted much time to the subject, and had gone much at length into it, in a diffusive speech, he had not grappled with the difficulty—he had not proposed a practical measure, showing all the machinery and instruments, and how they were to work, by which his scheme of Poor-laws could be carried into execution in Ireland. Instead of a practical detailed measure, he had come forward with a mere resolution, for which he could not expect to receive the support of the House. If there were no other objection to that resolution, he should find one in the fact, that a committee was already sitting to inquire into the state of the poor in Ireland; and if the hon. Member thought the inquiries of that committee worthless, as compared with his own lucubrations, he could have no objection to the hon. Member submitting his views to the House; but the House would only act in common justice and fairness to that committee, if it withheld its support from the resolution proposed by the hon. Member, till after the committee had made its report. He must beg, out of deference to that committee, to forbear entering into the hon. Member's speech. Such an attempt would impose upon him the task of discussing the very able but conflicting evidence adduced before the committee to which he had alluded. It was on this simple ground that he declined accepting the challenge of the hon. member for Newark. The hon. Member had appealed strongly to the feelings of the House, as to whether Gentlemen would not endeavour to relieve the distresses of their fellow-creatures; but the question was, whether there existed any chance of the Legislature being able, by the means which he proposed, to confer any practical benefit upon the community. He doubted the advantage of the hon. Member's plan. It did appear to him, that those who hesitated as to its efficacy in alleviating the misfortunes of the lower orders, were not unreasonable. If the hon. Member's system would remove the poverty of Ireland, and prevent the inconveniences arising from the fluctuations of the seasons, let it be adopted; but he very much doubted the efficiency of any scheme of Poor-laws in these respects. Instead of removing unpleasant feelings between two classes of society in Ireland, it was to be feared that the introduction of Poor-laws would have a contrary effect, and establish sentiments and feelings, such as at present existed between the pauper and overseer in this country,—feelings which it was well known were not of the most enviable description. Not being disposed, however, to controvert all the hon. Member's statements, and thinking it only due to the committee sitting to inquire into the propriety of introducing Poor-laws into Ireland, that the House should come to no such resolution as that proposed by the hon. Member, till that committee had made its report, he should move the previous question.

Mr. *Trant* observed, that the constitution of that committee, from which the member for Wicklow had been excluded, who had first brought the subject of the Poor-laws for Ireland under the notice of the House was such, that it was plain that the consideration of the propriety of adopting Poor-laws for Ireland was excluded from its inquiries. He thanked his hon. friend, therefore, for having brought the question before the House with such great ability.

Mr. *W. Horton* complained of having been kept in town by the hon. Member having given notice of a general bill for the relief of the poor, which had turned out to be nothing more than a Resolution relative to Poor-laws for Ireland. The hon. Member admitted the necessity of making the poor provident, and he proposed to do this by supplying their wants, whether they were provident or not. Nothing but inconvenience could be expected from adopting the Resolution, till the report of the committee was made, and, therefore, he should oppose the motion.

Mr. *S. Rice* would not detain the House if it were not that, were he not to say one word, he would seem to acquiesce in what had been said against the committee, which he, as an humble individual, had procured to be appointed. He was bound to defend that committee from the observations of the hon. member for Dover. It was a very fair committee; and one of the names he had placed on it was that of the hon. member for Newark, and he had only withdrawn it at the request of the hon. Member himself. Knowing that the hon. Member had paid great attention to the subject of Ireland, he had afterwards asked him to come before that committee as a witness, which he would not attend as a Member, but the hon. Member also returned a negative to that proposal. The hon. Member would attend that committee neither as a witness nor a Member, but he gave notice this day of a bill, which at best was only calculated to raise exaggerated hopes, which he had neither intelligence nor means to carry into effect; but instead even of this bill, he came down to the House and proposed a Resolution, different from his notice. There was not a proposition made to improve any part of the English Poor-laws, that was not first of all discussed in a committee; but the hon. Member came at once, and asked the House to pledge itself to a Resolution, of which he had given no notice, or rather such a delusive notice that no man could be prepared to expect his Resolution. Were the House to pre-judge the question by voting for that Resolution, it would not act consistently towards the committee it had appointed to inquire into the subject, and therefore he should oppose the Resolution.

Mr. *J. Grattan* said, from the speech of the hon. member for Limerick, when he proposed the committee, as well as from the persons of whom it was composed, ten or eleven out of the twelve Members having expressed themselves hostile to the introduction of Poor-laws into Ireland, he certainly thought that the committee was appointed to make out a case against adopting Poor-laws in Ireland. Being of that opinion, he thanked his hon. friend for the Motion; and should he persist in dividing the House on it, he would certainly vote with him, though he must say, that he did not expect from his hon. friend's notice, a motion of that nature. He was satisfied that Poor-laws must ultimately be adopted in Ireland, and therefore he would support the Motion.

Sir *R. Wilson* thought the hon. member for Newark was perfectly justified in bringing forward his Resolution at that period of the Session, in order to allay the apprehensions which were entertained on the subject. In his opinion there must, sooner or later, be a provision, in the nature of Poor-laws, for the people of Ireland.

Mr. *W. Duncombe* contended, that the

noble Lord (Gower) had given no sufficient answer to the arguments of the hon. member for Newark. He was surprised to hear him say, that he was not aware of what was to be the nature of the Motion, for his honourable friend, the member for Newark, had distinctly stated, in answer to a question by that noble Lord, that his motion would be to recommend the introduction of a modified system of Poor-laws into Ireland.

Mr. *Monck* said, that the application of Poor-laws to Ireland was an act of justice and right, and not of charity; and therefore he felt bound to support the Motion of the member for Newark.

Mr. *Slaney* thought the time was not distant, when they should be compelled to apply to Ireland a system of Poor-laws, but a system very different from that in force in England. The question, however, required the most mature deliberation; and as there was a committee sitting at present to inquire into the subject, he was disposed to await the result of its labours before he assented to any proposition such as that of the hon. member for Newark. He felt it necessary to say this, that his vote might not be mistaken.

Mr. *Sadler* said, he wished to offer a few observations in reply to what fell from the noble Lord opposite, in reference to his not having more distinctly specified the nature of his Motion when he gave notice of it. The fact was, that he (Mr. S.) was proceeding to explain the course which he meant to pursue, and that it was his intention to propose, in the first place, the introduction of a system of national charity into Ireland, when on that occasion he was interrupted by a call to order, otherwise he should have opened his intentions on that occasion most fully. He begged leave, however, to remind the noble Lord, that when so interrupted, and he was sure most properly, he immediately went and acquainted him, most distinctly, of his intention. He had again, as his hon. friend, the member for Yorkshire, had mentioned, explained his intention that day week. So much for his not having given due notice,—an answer which might apply equally to the remarks of the right hon. member for Newcastle, as well as to those of the noble Lord. Then as to the remark that the national charity of the Poor-law being not deserving of the name, because it was not voluntary, he begged leave to deny that position. As it respected the legislative acts of this House, whether in originating that law, or continuing it in operation, it had the merit of an optional act; and deserved, as such, all the eulogiums that had been pronounced upon it by a celebrated member of the legal profession, who described that charity as the means of drawing down the special favour of Heaven upon the nation which had adopted it. And would it not, said the hon. Member, be to all intents and purposes a voluntary boon, if extended at this moment to the poor of Ireland, and accepted by them as such. But as to the voluntary charity so much preferred, this optional relief so much eulogized, of what avail had that been on the last calamitous occasion he had been referring to. The Bishop of Limerick had informed a committee of the other House, that at that period, when the distresses of the Irish awakened the universal sympathies of the empire, and pressing applications were made to the proprietors of property of near 100,000*l.* per annum rental, 83*l.* only were obtained. So much, said the hon. Member, for optional relief as a safe substitute for a legal one. The hon. Member next adverted to what had fallen from the member for Limerick. It was true that he had been asked to be upon the committee; but after hearing what might be called the charge given to that committee by the right. hon. Secretary for the Home Department, and the speech of the chairman (Mr. Spring Rice) both, as he understood them, adverse to the only measure which could afford permanent and real relief to the distressed poor of Ireland, and especially that of the latter; when he looked to the construction of that committee, a majority of which were avowed opponents of the very principle of establishing Poor-laws in Ireland, he felt himself justified in refusing to be upon that committee, or giving evidence before it, certain as he felt as to the nature of the conclusion at which they would arrive; that, in fact, being settled aforehand. He did refuse to enlist under the banners of the hon. member for Limerick, conscious as he was, that he should have been a dissentient from his opinion and his report; and could only have served the purpose of making a sham fight upon the occasion, for the purpose of being dragged afterwards, as in triumph, at the hon. Member's chariot wheels. As to committees, he did not know that the circumstance of their appointment, especially for adverse purposes, ought to induce him to abandon the course which his duty and conscience clearly dictated. Many committees, it was true, had already sat upon the subject, and professed to take into consideration the state of Ireland; but hitherto those committees had given rise to nothing except expense, authorising individuals to dip their hands deep into the public purse, to exonerate wealth from the discharge of the duties it owed to the poor and to the public. He repeated that he had no confidence in the committee alluded to, and prognosticated most confidently, that it would decide against the claims which he had thought it his duty to advance.

Lord F. L. Gower denied the views ascribed to the Committee by the hon. Member.

Sir *C. Wetherell* disapproved of the proposition for adopting Poor-laws in Ireland, when they gave so little satisfaction in their method of working in this country. He recommended his hon. friend to withdraw his Motion.

Mr. Sadler withdrew his Motion.

Sale of Beer Bill.] The House went into a Committee on this Bill.

Mr. *Monck* proposed a clause as an Amendment, requiring every householder who takes out a license to be assessed at 15*l.* within the districts of the chief officers of Excise, and at 20*l.* in the other parts of the country. The hon. Member explained, that his object in proposing this Amendment was, to prevent every labourer turning his cottage into a public-house.

The *Chancellor of the Exchequer* said, he had considered a proposition of that kind before; but he found it would press so unequally in large towns, that he was compelled to abandon it. He had no objection to consent, that the seller of Beer should be a person rated to the Poor and Assessed taxes; but if he consented to fix a limit of amount, it would destroy the principle of the Bill.

After a conversation of some length between the Chancellor of the Exchequer, Mr. Hume, Sir Thomas Freemantle, Mr. Heathcote, Mr. Benett, and others, respecting the propriety of postponing the discussion at that late hour of the morning,

Sir R. Vyvyan moved, that the Chairman report progress, and ask leave to sit again.

On this question the Committee divided —For the Motion 59; Against it 101. —Majority 42.

The clause proposed by Mr. Monck was negatived without a division.

The other clauses of the Bill were then proceeded with.

Sir *R. Vyvyan* objected to any license being required at all, and complained that the Bill transferred the authority of the county magistrates to the Commissioners of Excise.

Mr. *Slaney* proposed, that all persons applying for a license should be required to produce testimonials as to character, from persons resident on the spot where the license was to be used.

The *Chancellor of the Exchequer* said, that plan had been already tried, and found unavailing. The securities provided by the Bill would, he believed, be more efficacious than certificates of good behaviour.

Mr. Slaney declined to press his Motion.

Mr. *Hume* objected to the clause requiring publicans to close their houses at ten o'clock. The Bill was called a Bill for the Free Sale of Beer; and every clause was a restriction on those who might desire to engage in the trade.

The *Chancellor of the Exchequer* said, the object was only to give the greatest possible freedom to the sale of Beer that was consistent with good order. The restrictions of which the hon. Member complained were only necessary precautions.

Mr. *Robert Gordon* said, that the present mode of taking off the taxes was the most ungracious that could have been devised. The Bill gave universal dissatisfaction, except to a few great brewers.

The *Chancellor of the Exchequer* would regret if his efforts to give relief were as unpopular as the hon. Member represented them. He knew, however, that in many parts of the country the Bill gave great satisfaction.

Sir *R. Wilson* said, that the hon. member for Cricklade had given a very incorrect representation of the feelings of the people. It was a great boon to them to reduce the price of Beer by 1½*d.* per pot, and so they would regard it.

Mr. *W. Duncombe* said, that the Bill was objectionable, both as injuring the morals and the comfort of the people. The trifling advantage of lowering the price of Beer would be compensated by a host of evils, and if it were not too late, he would join his voice to that of other hon.

Members, and request the Chancellor of the Exchequer to repeal the Malt instead of the Beer duties. He could assure the right hon. Gentleman that the feelings of almost all the magistrates, clergymen, and respectable people of Yorkshire were against the Bill. There domestic brewing was so generally practised, that this Bill would be of no service whatever to the people. He implored the right hon. Gentleman to re-consider the subject and take off the Malt-duties.

The *Chancellor of the Exchequer* said, he was extremely unfortunate, for he could not please Gentlemen when he laid on a tax, nor could he please them when he removed a tax.

Mr. *Fowell Buxton* said, that hitherto the poor man had paid 50*s.* for the beer, for which the rich man paid only 20*s.* It seemed to him, therefore, an absurdity to say that the poor would not be benefited by a law which placed them on the same footing as the rich.

Mr. *Sadler* said, that he too had received several communications from Yorkshire, condemning the Bill in strong terms.

Clause agreed to, and the House resumed.

NORTHERN ROADS BILL.] Lord Morpeth moved that the debate on the second reading of the Northern Roads Bill be resumed.

Mr. *Robert Gordon* objected to the Motion at that time of night.

Mr. *W. Duncombe* said, the Bill was of very inferior importance compared to that which had just been disposed of.

Lord *Morpeth* said, that he was sorry it was not in his power to comply with the request for postponement, but to do so at that period of the Session would be equivalent to withdrawing the Bill, and as there was a full attendance of Members interested in it, he should move that the Bill be read a second time. In making this Motion, having had an opportunity of hearing the objections against this Bill, it would be respectful to the House to state very shortly, but distinctly his inducements for bringing it forward; first, with regard to the objection relating to the expenditure of money supposed to be involved by the Bill, he must state that it was his intention, if allowed, to go into a committee, that those parts of it which might induce such expenditure should be omitted, leaving them to be brought forward hereafter in a separate bill by the hon. member for Queen's County. His only object was, to appoint a commission to inquire into the state of the Northern Roads, pursuant to the desire expressed in the various petitions and memorials which had been submitted to the Post-office for some years past. These memorials came from individuals of rank and station, both in England and Scotland, from public bodies, corporations, guilds, and others interested in the speedy communication between the different parts of the empire so requisite in a country like this. In consequence of these applications, various surveyors had been ordered, by the competent authorities, to examine into the subject, so that the greatest part of the expense which could possibly be occasioned by the Bill had been already incurred. The result of this examination had been, that at the lowest computation, a saving of thirty miles could be effected between London and Edinburgh, whilst the extent of the improvement in point of distance on the Holyhead road, did not exceed six miles. He was aware that he deprived himself of a part of the advantage of his argument by taking the line through Stamford instead of the more direct one chalked out by Mr. Telford; but he trusted that his forbearance would not be turned against him. The Northern aspect of the committee had been commented on; but by the line he had chosen the route in the midland and southern counties was very little deviated from, so that it was of no consequence to have many Members from those parts; whilst the great deviation being in the northern and Scotch counties, it was necessary to have Members on the committee connected with the interests likely to be affected there. There being then so great a call for this great saving of distance between the two capitals, the object of the Bill was to ascertain, by appointing commissioners, in what way so desirable a result could be best obtained. Experience and common sense had taught that no general system of road-making could be carried into effect so uniformly and cheaply as by the appointment of a commission to examine the whole intended line. As this Bill named some of the Holyhead Commissioners, on the new commission, it secured all the advantages of their long experience, whilst it would not affect the powers of any trust on the new line, as the commissioners would only be enabled to inquire and enter into, to consult, to report upon, and to suggest improvements. It must be at the same time observed, that it did not enable them to spend one shilling, without again having recourse to Parliament; in short, a more innocent, inoffensive measure could not be conceived, and those who opposed the second reading must go the whole length of saying, not only that no improvement should be introduced, but that even the suggestion of one should never be received. He trusted, however, that the House would remember that rapid communication was of all things most demanded in a civilized community, and he hoped that it would allow the Bill to go into Committee for the purpose he had mentioned. The improvement he contemplated would be forced upon the Legislature in the long run; and the course he proposed for effecting so great a public object, was the easiest and most inoffensive that could be adopted. He therefore moved that the Bill be read a second time.

Lord *Lowther* said, notwithstanding the noble Lord had taken some pains to explain his views, that the Bill still appeared to him very unsatisfactory. Had the noble Lord given the House information upon two points, it would have been much better able to go into the discussion. In the first place, he had not told the House how he meant to pay the commissioners; in the second place, he said that the Bill invested them with no new powers; but by the Bill they were to have all the powers of the Holyhead Road Commissioners transferred to them. Now, putting aside the fact that the House was thus thrown into a perplexity of Acts, which it was almost impossible to unravel, there were actually two Bills in the House to amend the Holyhead Road Acts. He never saw such liberties taken in legislation. The noble Lord said, that the line of deviation was not so great in England as in Scotland; and that, therefore, there were more Scotch than English Members on the Committee; but there was no concealing the fact that this was a downright Scotch job, to enable Scotchmen to mend their own roads with English tools, that they might walk up from Edinburgh to London by a shorter way than at present. There might, however, be another reason for this measure, there were some individuals in Northumberland who had obtained an Act for carrying a road from Newcastle to the North; and it seemed to him that the promoters of the present Bill wished to rival them at the public expense. The House, however, would never interfere to forward such views. The noble Lord had referred to numerous memorials, but they were all founded on interested motives. No evidence had been called to prove the assertions, nor was any wished for; if there had been, the most obvious course would have been to ask at the post-office, whether the mail could be got to Edinburgh two hours sooner than at present. The time employed, not long back, for that conveyance was fifty-eight hours, but now it only required forty-three and a half hours; at the same time great improvements were going forward, which would only be stopped by the appointment of this commission. Messrs. Giles and Robson, London engineers, were employed on the Northern Roads, and if they confined themselves to those of England, the funds they had at their disposal would enable them to make considerable improvements. He wished to caution the House against those Parliamentary Commissions, and not to place any faith in the prospects they held out. Let the House consider the estimates of various undertakings that had been brought forward, and compare them with the actual sums they had cost, before it approved of this Bill. The expense of the Caledonian canal was estimated at 474,000*l.*, but the actual cost after the deduction of several sums to be placed to its credit, was 961,000*l.* The improvements in the Highland Roads were estimated at 96,000*l.*, but the actual cost was 240,000*l.*, besides entailing upon the country an annual charge of 5,000*l.* for their support. Mr. Telford's estimate for the Menai Bridge, with its approaches, &c. was 60,000*l.*, but when we came to pay the Bills, the actual outlay in 1823 amounted to 247,000*l.* He did not regret the money, for it was certainly a most magnificent work, but it served to show how little estimates were to be depended upon. The road to Edinburgh was estimated to cost 400,000*l.*, and perhaps, with the improvements to Port Patrick, for which, by-the-bye, there had been no petition, and which seemed a little fancy-work put into the Bill by way of ornament, might reach a million and a half. What would be the excuse if we embarked in such an undertaking for the errors of the estimate? Why the old one, that the architect had found the timbers more rotten than he expected; that here an additional buttress was wanted, and there a new foundation,—in short there would be no want of reasons to account for the evil, when it could not be remedied, and the estimates of the expenses would in fact be doubled and trebled, as in the cases he had mentioned. If the Bill passed surveyors must be paid, and there was no fund from which to pay them. Let the noble Lord visit these places himself, and make a report to Parliament. And then let him come forward with an Act in some distinct and intelligible form, and not with half the clauses hidden as they were in this Bill, in which it was impossible to see what was clearly aimed at. He entreated Parliament to consider, that it was dealing with private rights, and that he had that day presented a Petition justly complaining of this Bill. The Edinburgh mail already travelled as fast as that to Holyhead, as far as Northumberland, so that there was no reason for calling upon Parliament to interfere in the manner the noble Lord proposed.

Sir *Henry Parnell* was quite certain that the least fault with which the Bill was chargeable, was that of concealment, for it stated all the objects in view in the plainest manner. With regard to the expense attendant upon the appointment of the commission, none of any consequence could arise, for all the surveys had been made, and the clause, giving power to make others, was only precautionary, in case they should be wanted. The business concerning the Northern Roads would be confined to holding meetings. It was his firm conviction, that if this Bill were passed on the principle of consolidation, the sum of money voted for the Holyhead establishment would be quite sufficient to pay the expenses of the new commission. The noble Lord said, that the Bill extended the powers of the Holyhead Commissioners to the Northern Roads; but his noble friend, on moving the second reading, stated, that the whole of the latter part of the Bill was to be omitted, so that no such power as the noble Lord supposed would be given. With respect to what the noble Lord had said relating to the estimates of the Holyhead road, he denied both the accuracy of his statement, and of his conclusions. The subject had been under the consideration of a committee, and its report would be shortly before the House. In the body of that report it would be found, that of 152 contracts made by that commission in fifteen years,—in only one was there an instance of the sum paid exceeding that stipulated for, and that only to the amount of 75*l.* With regard to the estimate for the Menai Bridge, if the noble Lord was to tell an architect to build a house for him, he could not be surprised, if he afterwards directed him to build two wings and an additional story, that the architect should charge him something more than the original estimate. Now the fact with regard to the Menai Bridge was this; after Mr. Telford had given in his estimate, Mr. Rennie advised an addition to the iron-work, and Dr. Wollaston, and the present president of the Royal Society, recommended higher pyramids, for the sake of additional strength. No objection was made to Mr. Telford's estimate, nor were the contract prices exceeded, so that the additional expense was for additional work. When it was considered that the chains were each one-third of a mile long, it must be admitted that the work was as cheaply executed as any work ever undertaken. The noble Lord said, that the total expense was 247,000*l.*; but it did not exceed 187,000*l.*; and he was equally in error in his other statements.

Lord *Lowther* said, his statements were taken from the returns.

Mr. *Heathcote* said, that the little evidence that was taken before the committee on this Bill, and the manner in which it was composed, gave him great doubts as to its propriety; but now that his noble friend himself proposed to strike out half his measure, he was convinced that there must be something very objectionable in it. The better way perhaps would be for his noble friend to withdraw the Bill altogether, and introduce a fresh one, in order that the House might know what it was discussing, for surely he could not think of calling upon the House to affirm a great number of positions which he himself proposed to abandon. His noble friend had stated, that Stamford and Grantham were to be continued in the road; but upon referring to the Bill, he found that the road running through them was only spoken of as one that might be altered. The Bill appointed commissioners, but when the House considered how difficult it was to get rid of commissioners when once named, it would probably pause before it sanctioned the Bill. The plain question was:—Is the House prepared to go into the expense to which this undertaking will inevitably lead? Every one knew estimates were always moderate; but when once a work was begun, it was difficult to stop, and the cost generally at the end was double or treble the estimates. After all what was the object in view? The facility of getting from Edinburgh to London was already extraordinary, and he saw no reason for devoting large sums of money to enable the citizens of Edinburgh to receive their letters a little sooner, and come up to London a little quicker. But if expeditious travelling were the object, why did not Gentlemen follow the short cuts they had at present. Every body knew that the mail to Edinburgh went through York, which was considerably out of the direct road. Why, then, should short cuts be made at a great expense, when those already made were not used? He should think it his duty to oppose the second reading of the Bill; but if it were sent to a committee, which he hoped it would not be, it had better be to a Select Committee up stairs; for, with the great pressure of business before the House, it would unavoidably (as it had hitherto been) be postponed until past three in the morning, an hour at which this measure, although of great importance to individuals, was not likely patiently to be discussed.

Colonel *Sibthorp* said, the hon. Member recommended a Select Committee, but he would advise that the Bill be cast out at once, as a measure utterly unworthy to be entertained by the House. He was well acquainted with the line of road in question, and knew that the travelling upon it was easy, and that every where comfortable accommodations were to be met with; and he could not help looking upon the proposed scheme as a fancy measure of Mr. Telford's, whom he took to be one of those visionary gentlemen who expected to feed upon the public. The most advisable course for the noble Lord to pursue would be to withdraw his Bill, print it if he thought proper, and bring it forward in some intelligible shape.

Mr. *Liddell* said, that it ought to be considered that this Bill contemplated an improvement of no less benefit than that of bringing the capital of Scotland thirty miles nearer to London. When the House recollected the great intercourse, not only between individuals, but between all the new Boards and Public Offices of the two capitals, it would acknowledge that there were few things more desirable than to facilitate the means of communication. It was true that one particular line would be of great service to the county of Northumberland; but if the Commission of Inquiry, which it was the object of the Bill to appoint, should decide that another route would be more advantageous to the public, those who might fancy themselves interested in a contrary decision would have no reason to complain. He could state, upon the authority of Mr. Telford, whom the hon. Member behind had discovered to be a person not at all known, that the middle line through Northumberland was the best; but the matter ought to be examined into. Another reason for his wishing to have the commission appointed was, that a part of the road went through a very thinly-inhabited country; and before proceeding further, it would be right to have the best line of communication ascertained, and whatever that might be, he had no doubt that it could be made available without the assistance of public money. There were some material points in the Bill which he was anxious to discuss; but at that hour he would say no more than that he should vote for the Motion.

Mr. *Robert Gordon* could not allow that opportunity to pass without thanking the noble Lord opposite (Lord Lowther) for the very excellent sentiments he had uttered. He congratulated the Treasury benches upon having such a Member, and he hoped that the noble Lord would allow him to remind him of what he had just said when the noble Lord brought forward estimates himself. He had stated, that estimates were always exceeded, and that the House ought to be cautious how it commenced any public work, and he trusted that his hon. friend (Mr. Hume) would take an early opportunity of trying whether these sentiments extended to all estimates. But what was the object of the Bill? The noble Lord said, that it was to appoint Commissioners of Inquiry; but he had also said, that the plans and estimates were already prepared; what then could be the use of appointing a commission? Could not the Postmaster-general send down a surveyor to report which was the best line of road? That would be the cheapest and the best way, and certainly preferable to the appointment of a commission, which if once appointed would only be used as the instrument of getting more public money. The hon. Baronet must be aware that the great improvements in the road from London to the Land's End had been made at the expense of the different trusts and counties through which the road passed, and not at that of the public. Upon what principle were the people of the West of England, who had paid for their own roads out of their own funds, to be called upon to pay for those of the North Country? Did the noble Lord fancy that the people of the North were not quite so active, industrious, and enterprising as those of the South and West; and that, therefore, they ought to be assisted by public money? The hon. member for Northumberland, because his county would be benefitted, seemed to think that it ought not to be called a Scotch job; and he therefore would give it the more general denomination of a Northern job. The noble Lord opposite (Lord Lowther) seemed to think , that if the Bill had come from his side of the House, all the Opposition Members would have opposed it: and he must in conclusion say, that he was sorry that it came from the Opposition side of the House, and still more was he sorry that the hon. member for Queen's County, whose work was justly considered as a text-book of economy, should have supported it by his name.

Mr. *Kennedy* said, it was objected to the Bill, that public money was called for by it, but he saw none whatever called for, nor did he believe that it was intended to call for any. The noble Lord opposite (Lord Lowther) said on a former occasion, that this was a bill to obtain English money for Scotch roads. That was not the case, for he could state on his own knowledge, that there were roads in progress in Scotland, along which the intended line was to run, to defray the expense of making which no public money would be called for, although it might be considered desirable to place them under the control of an impartial commission. With respect to the opposition from the neighbourhood of Grantham, he was surprised at that, for there was no system of road-making so bad as that which prevailed in that neighbourhood; and never was money more scandalously taken from the pockets of the people, than that expended upon the roads there. There was a hill in the neighbourhood of Grantham quite as bad to ascend as it was in the days of George 1st. In spite of all that had been said, he should not be deterred from supporting this Bill, and he did not apprehend that the character of his noble friend, or of the hon. Baronet who supported the measure, would want defending on that account. He gave the hon. member for Cricklade credit for his vigilance over the public purse, but he could assure him that it was not required in this instance. It had been insinuated that this measure was introduced to benefit Mr. Telford; but it would appear from the report of the committee that that gentleman had not received any undue remuneration, and that the smallness of his per-centage was quite remarkable.

Sir *M. W. Ridley* said, that had it not been for the explanation of his noble friend, he should have been inclined, with the noble Lord opposite, to have opposed the second reading of this Bill; but after the explanation which had been given, he thought that the House ought to allow it to pass that stage, that it might be put into the desired shape. He objected to the Bill, but as it was to be separated into two parts, one of which was to empower a commission to inquire into the state of the roads, and the other to carry into further execution the powers vested in the Commissioners of the Holyhead-road, he would not oppose the second reading. The mail, he might remark, arrived in Edinburgh at three o'clock in the day, and did not leave till eight the next morning.

Mr. *George Lamb* said, that it was clear that the hon. Baronet agreed to the second reading of he knew not what, since he wished it to be put in such a shape in a committee as would enable him to understand it. If the hon. Baronet comprehended the Bill, he (Mr. Lamb) did not, for he did not know what was to be kept in, and what struck out. From reading it, he could not say whether the Liverpool road was or was not to be included in the Bill, whether the commissioners were to raise money or not, or what roads from Litchfield to South Mims, and from London to Edinburgh were to come under consideration. It skipt about in the most extraordinary manner; and, in short, was such an *omnium gatherum* measure as he never before met with. It had been called a Northern job, and with truth; for it was to bring Edinburgh nearer, according to the petitions, to London by thirty miles; but from whence did the petitions come? From Edinburgh, to be sure. But he wished to ask whether there were any petitions from London to be brought thirty miles nearer to Edinburgh? Certainly not. And the Bill, therefore, bore upon the face of it the character given of it. The noble Lord said, that his proposed line took in Stamford and Grantham; but the Bill only mentioned the road through those places, to say that it was to be altered. He did not wish to make any vexatious opposition to this Bill; and he thought that he made a very fair proposition when he asked his noble friend to consent to refer it to a committee up-stairs; for there was not a single turnpike-road bill which was not laid before a committee of Members of those counties through which it had to pass. If that proposition were objected to, he should divide the House on the Motion.

Lord *Morpeth* said, as there was only one specific point in the Bill, he could not see any occasion to refer it to a Select Committee.

The House divided. Ayes 35; Noes 27—Majority 8.

HOUSE OF LORDS,

Friday, June 4.

MINUTES.] Petitions presented. By Lord HOLLAND, from Chorlbury and its vicinity, and from the Baptist Congregation assembling in South-street, Exeter, against the Punishment of Death for Forgery. By the Duke of RICHMOND, from the Chymists and Druggists of Norwich, against the Patent Medicine Stamp Duty. By Lord CALTHORPE, against the Birmingham Free-School Bill. By the Marquis of LONDONDERRY, from the Inhabitants of Grantley, in the County of Salop, against the Punishment of Death for Forgery. By Earl GREY, from the Inhabitants of Clonmel, against any addition to the Duty on Spirits and Stamps in Ireland; and a similar Petition from another place in Ireland. By the Marquis of LANSDOWN, from certain Inhabitants of Dublin, against any increase of the Duty on Stamps; from the Chamber of Commerce at Manchester, against the Punishment of Death for Forgery; from the Directors of the Provincial Bank of Ireland, in Tralee, to the same effect; from the Landowners of the Queen's County, against any additional Duty on Irish Spirits; from several Parishes in the County of Cork, against any additional Duty on Spirits and Stamps in Ireland; from the same Parishes, against the Irish Vestry Act; from the Roman Catholic Inhabitants of the Parish of Skreen, County of Meath, for the Abolition of Tithes; from the High Sheriff and Inhabitants of the County of Kerry, against the Equalization of Taxes between England and Ireland; from the Lord Mayor, Sheriffs, Bankers, Merchants, and Solicitors of Dublin, against any increase of Taxation, particularly with reference to Stamps; from Mr. Carden, explaining his Plan for the Formation of a National Cemetery, and praying their Lordships to take the subject into their serious consideration.

The Parishes general Lighting and Watching Bill was read a second time.

Witnesses were further Examined on the East Retford Disfranchisement Bill.

SIR JONAH BARRINGTON.] The Earl of *Westmorland* presented a Petition from Sir Jonah Barrington, Judge of the High Court of Admiralty, Ireland, praying to be heard by Counsel and Witnesses at their Lordships' bar, in order that he might have an opportunity of disproving the charges that had been brought against him. The noble Earl said, that he presented the Petition on two grounds; first, because he held it to be the duty of every Peer to present the petition of any man who thought himself aggrieved, and asked for a fair hearing; and secondly, because he had long known Sir Jonah Barrington, and ever found him honest, faithful, and zealous. He was sure that a fair and impartial hearing would be afforded the petitioner, and he hoped that it would restore him to his rank in society.

The Duke of *Wellington* moved the Order of the Day for taking into consideration the Message which their Lordships had recently received from the House of Commons relative to Sir Jonah Barrington. Having briefly adverted to the proceedings which had taken place in the House of Commons in the case of Sir Jonah Barrington, the noble Duke observed, that in his opinion, the most proper course to pursue would be, to institute an inquiry at their Lordships' bar, which would enable them to form their own opinion on the subject. The noble Duke then moved "That the further consideration of this subject be proceeded with on Monday se'nnight, that Counsel be heard, and that witnesses attend on that day."

Ordered.

STATE OF BUSINESS.] The Marquis of Downshire moved that the Order of the Day, for the second reading of the Irish Bog Drainage Bill be read for the purpose of being postponed.

A short conversation took place, with respect to the propriety of withdrawing the Bill altogether for the present Session, on account of the impossibility of rendering it an effectual and palatable measure before Parliament broke up; in the course of which,

The Earl of *Darnley* took occasion to

observe, that their Lordships were placed in a very difficult situation, not only with respect to this Bill, but with reference to many other important measures. By some means or other the public business was most unaccountably delayed. He saw by the votes of the House of Commons, that last night nearly 100 subjects were debated. There were on that paper ninety-six items, forty-two of which were debated after twelve o'clock at night. The consequence was, that the business came before that House at a very late period of the Session, and could not be properly considered. This was contrary to the dignity of their Lordships, and the interests of the realm. He had pointed out the inconvenience over and over again, and he hoped that some mode would be adopted to prevent the evil in future.

Lord *Wharncliffe* said, that the manner in which the business was regulated was fraught with inconvenience. He felt as great a respect for the privileges of the other House as any man could feel, but he must say that the doctrine which was held relative to money-clauses in bills had latterly been carried to an extreme point. The Commons insisted, that a clause in bills imposing penalties was a money-clause, because possibly money might be levied under it. He, however, was at a loss to know how such a clause could be so interpreted. The result was, that no bill, with a clause imposing a money penalty, could originate in that House, although it was a place peculiarly fit for the consideration of measures connected with penalties; for instance, bills for the regulation of police, or bills for the regulation of law proceedings. The consequence of this system was, that all such bills began in the Commons, who were overlaid with business, and hundreds of accumulated orders. Ultimately, the bills were sent up to that House at a period of the Session when it was utterly impossible for the House to consider them properly. This matter struck him very forcibly, and he had some communication with the Members of the House of Commons on the subject, and he was glad to say, that a general feeling did exist, that the Commons had carried the point to which he had adverted too far. He now gave notice that it was his intention to bring this subject forward, in some shape or other, at a future day, in order that their Lordships might inquire whether a practice which was productive of so much delay should be persevered in.

The Bill to be read a second time on Tuesday next.

HOUSE OF COMMONS,

Friday, June 4.

MINUTES.] Returns ordered. On the Motion of Mr. O'CONNELL, an Account of the number of Proof-gallons of Spirits imported from Guernsey and Jersey, with the Duty paid there since 1826:—On the Motion of Mr. HUME, Contracts concerning the reserved Crown Lands in Canada.

Petitions presented. To Postpone the Court of Session Bill to another Session, by Mr. W. DUNDAS, from the Writers to the Signet, Scotland. For encouragement to Historical Painting, by Mr. A. ELLIS, from B. R. Haydon. Against the Paupers (Irish and Scotch) Removal Bill, by the same hon. Member, from the Overseers of the Parish of St. Martin's-in-the-Field:—By Lord STANLEY, from the Constables and Borough-reeve of Manchester. Against the Monopoly of the Apothecaries in Dublin, by Mr. GRATTAN, from Robert Cassidy, an Apothecary at Bray: —By Mr. O'CONNELL, from the Apothecaries of Clare. Against the Employment of Persons by Night in Cotton Factories, by Sir M. S. STEWART, from certain Cotton Weavers of Glasgow. Against the Sale of Beer Bill, from the Publicans of Uttoxeter. For Freedom of Trade to China, and the Abolition of all Monopolies, by Mr. JOHN WOOD, from the Members of the first Co-operative Society, Liverpool. Against the Administration of Justice Bill, by the same hon. Member, from places in the County Palatine of Chester. Against the Northern Road Bill, by Mr. N. CALVERT, from the Trustees of the Wadesmill Road. Against Stamp Duties (Ireland), by Lord KILLEEN, from a Society at Kilkenny:—By Mr. O'CONNELL, from two Societies in Dublin; from the Inhabitants of Ballybay and Tullycorbet; and from the Inhabitants of St. Catherine's, Dublin. For restricting the Sale of Spirituous Liquors, by Lord STANLEY, from the Salford Temperance Society. For obtaining the Freedom of the Borough of Carlow, by Mr. O'CONNELL, from certain Inhabitants of that place. In favour of the Emancipation of the Jews, by Mr. JOHN WOOD, from the Unitarians of Walmesley, near Bolton. For the Abolition of all Regulations relative to Cotton Factories, by the same hon. Member, from the Spinners of Preston. Against the Medicine Stamp Act, by Colonel PEEL, from the Druggists of Norwich. For the abolition of the Punishment of Death for Forgery, by the same hon. Member, from the Common Council of Norwich.

NEW STREET FROM WATERLOO-BRIDGE.] Mr. *Agar Ellis* presented a Petition from Samuel James Arnold, the proprietor of the late English Opera-house, in favour of a New Street from Waterloo-bridge to the northern part of the Metropolis. The hon. Member took that opportunity to inquire of the noble Lord (Lowther) what were the views of Government with regard to the subject. In doing so, he did not mean to impute any blame to the noble Lord, who was himself a great improver, for being reluctant to take up the matter. At the same time he was strongly in favour of opening a New Street, to commence at Waterloo-bridge, and extend towards the northern part of the town. The feeling of the public generally, but particularly of the immediate inhabitants of the metropolis, was decidedly in favour of such an undertaking.

He begged to suggest to the noble Lord, that the proposed improvement would correspond well with other improvements which were now carrying on under his auspices. The great proprietors in the immediate neighbourhood of the proposed opening, were anxious to further the plan. He might mention that the Duke of Bedford was ready to make a considerable sacrifice, in order to facilitate it, and the Marquis of Exeter was equally anxious on the subject. Those were the proprietors whose properties lay more immediately in contact with the opening from Waterloo-bridge, and he believed that other proprietors of ground nearer to the British Museum were alike desirous of having the object effected. He hoped that Government would look at the undertaking with a favourable eye. Every body must see, if the opportunity now presented by the destruction of the English Opera-house were lost, and if the theatre were re-built upon the old site, that there would be no chance of opening the new street. In conclusion, the hon. Member asked the noble Lord, whether Government had it in contemplation to lend its assistance in the construction of a new street from Waterloo-bridge to the northern part of the metropolis.

Lord *Lowther* said, he was sensible of the advantage of making the proposed opening, and felt strongly the beauty and convenience that would result from it. However, there were reasons which induced Government to hesitate as to aiding the undertaking in the manner required. The first principle on which Government had acted with respect to improvements in the metropolis was, as far as possible, to confine its exertions to the property and estates of the Crown. This had been the case with regard to Regent-street. An application was made to him in reference to a new street from Waterloo-bridge northward, and he had been induced to represent the matter to the Board which possessed the superior control in such affairs. The members of it conceived, that the only mode in which they could properly lend their assistance would be, with regard to that part of the proposed improvement which might be contiguous to Crown property; and he thought that he might have ventured to propose to the House to advance a sum of 25,000*l.*, to be employed for the improvement of the Crown property, and in aid of the undertaking. He feared that beyond that they would be unable to go. If the great proprietors of the adjoining districts, whose interests would be promoted by a new street, were willing to adopt a similar course, and make a correspondent exertion; if other parties (the Waterloo-bridge Company for instance) exerted themselves, the point might be attained. Or the matter could be effected in a different manner, if a general rate were imposed on the public, or on the adjoining parishes.

Mr. *Hobhouse*, having already presented a Petition from the parish of St. Paul Covent Garden in support of the project, could not but express his regret, that it had not received more encouragement from the noble Lord. The noble Lord must be aware, that unless Government came forward with assistance, partial even though it might be, the undertaking could never be effected, and that if it were not accomplished now, it never could. In consequence of the English Opera-house having been consumed, an opportunity was afforded of making an opening which would be equally useful and ornamental to the metropolis; but if the theatre were allowed to be rebuilt on the original site, the object would be defeated. He must object to his constituents being rated as proposed by the noble Lord; they were taxed quite enough already; the extra rates to which parishes in the metropolis had been subjected amounted to very large sums—too large to admit of any addition, even for the accomplishment of an object so useful as that now proposed. The establishment of the metropolitan police (an exceedingly useful object, he admitted) had added heavily to the parochial rates. The parish of St. George, Hanover-square, in addition to a rate of 76,000*l.* for parochial expenditure, would have to raise 12,000*l.* for the purpose of defraying the expense of the police alone. He therefore left it to the noble Lord to judge, with how bad a grace a proposition for an additional rate for the construction of a new street would be received. As to the Waterloo-bridge Company, the House had too perfect a knowledge of their condition, from what had been formerly stated by a gallant Admiral opposite, to believe that they were willing, or able, to put their hands into their pockets, for the promotion of a merely national object. If a new street were ever to be opened, it should be attempted now, but the attempt could not be made successfully without the assistance of the noble Lord and the Government.

Mr. *J. Wood* believed that the noble Lord mistook the feeling of the public upon the subject, if he thought that they would not willingly devote a part of their revenues to so beneficial an undertaking. They looked with great anxiety to the commencement of the work, which would be most useful as well as ornamental.

Mr. *Warburton* hoped, that Government would feel disposed to consider the sum small that would be required to effect the object, and the public convenience great, that must result from it when accomplished; and that such being the case, it would lend its assistance to the undertaking. He was peculiarly and personally interested, but he thought that being so did not bias his opinion in declaring that the measure would be very advantageous.

Sir *R. Inglis* trusted, that at least there would be no objection to the appointment of a committee to consider the conditions and security upon which Government might advance a certain sum for the completion of the plan. At the same time he admitted that Government was justified in pausing and weighing the matter well previous to taking any step.

The Petition to be printed.

Scotch and Irish Vagrants.] Mr. *C. Calvert* presented a Petition from St. Olave, Southwark, against the Bill for the removal of Scotch and Irish Vagrants. The hon. Member took the opportunity to say, that he was happy to hear that the noble Lord (Stanley) had postponed the measure until next Session, and he should be still happier if he would abandon it entirely.

Sir *R. Wilson* supported the prayer of the Petition. The time would soon come when Ireland must sustain some part of the burthen of the maintenance of her poor.

Mr. *H. Grattan* said, that the bill of the noble Lord was not to be tolerated. If it were entertained, it would have the effect of sending back to their own country all the Irish poor, and ought to be followed up by a bill to send back all the Irish rich. Since 1811 no less than 1,150,000*l.* had been collected and spent in Ireland upon the maintenance of paupers.

Mr. *N. Calvert* said, the question at issue, which this bill was to solve to the advantage of the parishes in the country was, whether London or the country was to pay all the expense of the removal of the Irish and Scotch paupers. At present they made jaunts at the public expense from one end of the country to the other. He would try and put a stop to the practice, by not providing them with the means for carrying it on.

Mr. *S. Bourne* remarked, that the existing system grew out of the report of a committee of the House, as long since as the year 1817. It had appeared to that committee, that paupers might be removed like vagrants, by passes, and for some time the plan worked well; indeed so well, that a magistrate of Shadwell Police-office had assured him, that the effect had been to compel seventy families in that district to support themselves, instead of coming upon the rates. In time, however, it became liable to abuse, and the result was, the evils now the subject of such general complaint. The proposed remedy of the noble Lord was, however, no remedy at all, and he (Mr. S. Bourne) had made a suggestion to the Secretary for the Home Department, which he thought would be effectual; and that was, that the overseers of every parish should be allowed to give relief to any persons who applied, who seemed to be fit objects of charity, let them belong to what parish they might. This would, of course, preclude compulsory relief upon the orders of magistrates, as it would render them needless. Paupers might then be permitted to go to and fro, from parish to parish, without being interfered with; and a provision being made for the necessitous in every parish, the expense of passing paupers to their places of settlement would be avoided. It seemed to him by far the most equitable principle that residence (say for five years) should give a settlement, and he was confident that the parish authorities would be desirous of affording relief in all cases where it was deserved, without any further compulsion than that of circumstances.

Mr. *Doherty* said, considerable misapprehension existed in Ireland—in Dublin among other places—with respect to the provisions of the bill. It appeared to be supposed, that the bill would introduce a different degree of power with respect to Scottish and Irish Vagrants and their removal, from that at present granted by the existing law; whereas, in point of fact, the noble Lord's bill went simply to alter the mode of laying on the expense of removal, but effected no alteration in the power of removal. By the law as it stood, there was a power of sending vagrants back to Ireland or Scotland; the proposed bill threw the expense of removal only on the district from which paupers were removed, instead of throwing it on all the counties through which they passed. He had seen reports in some of the Irish newspapers, according to which this was a bill which gave or revived the power of whipping Irish vagrants. As he interpreted the bill, it would have no such effect. The only object of the noble Lord was, to effect a new arrangement as to defraying the expense of removal, leaving the power of transmitting vagrants exactly where it was under the existing law. It seemed to be thought that the power of whipping a vagrant was only conferred in cases where the vagrant was an Irishman. Such was not the case. If a vagrant were sturdy and disorderly, he could be sent to the House of Correction at present, and whipped, whether he were Welsh, Scotch, English, or Irish. The noble Lord's bill did not add to this power. He should be the very first to oppose the bill, if it enacted (as was imagined) that Irish paupers should be whipped before they were sent out of the country. He was glad to have this opportunity of setting the matter right. This was simply a bill to arrange the expense of transmission: was it not a cruelty to endeavour to persuade the people of Ireland, that such a disposition existed in the House of Commons as to induce them to pass a bill for whipping Irishmen, because they were Irish?

Lord *Stanley* rose, to explain the course he intended to take with respect to his bill. His intention was, to give up the measure for the present year. In the next Session he should bring forward another measure on the same subject, which, if the House would permit him, he should read a second time, and then refer it to a select committee up-stairs.

Mr. *O'Connell* was sure, that the noble Lord had no intention of reviving the practice of whipping Irish vagrants, but that certainly would be the effect of his bill, if any body chose to carry it into execution, for it went to repeal the comparatively recent Statute, which made whipping no necessary part of the operation of sending home Irish vagrants; and by so repealing that, revived the Statute which it had repealed, and under which the Irish vagrants were liable to be whipped. Nothing, it was clear, could be easier than to obviate that inconvenience in the form of the bill. But he would still assert, that in its present shape the sending to the House of Correction, and the whipping, formed a necessary part of the proceeding preliminary to the paupers being sent to Ireland. The hon. and learned Gentleman then adverted to the proposed introduction of Poor-laws into Ireland, and observed upon the faulty condition of the system in this country. The Parliament of Great Britain had been endeavouring to amend the Poor-laws during a period of 300 years, and at the present moment, they were, if possible, more faulty than ever. Those who were not strenuous advocates for the introduction of Poor-laws into Ireland, ought to remember that the Subletting Act was one of the causes which placed the population of Ireland in its present condition—that Subletting Act might be exceedingly convenient to gentlemen of large landed property, who wished, in the language of the day, to clear the estates—yes, the clearing of estates was spoken of as familiarly in Ireland as the clearing of land in America—in the one country, trees, and in the other human beings, were treated in the same manner.

Mr. *Littleton* thought, that the measure might be further matured this Session, and even referred to a select committee, in order that it might pass at an early period of the next Session. It was now the season of the year when the Irish labourers came to this country, and the bill, in order to be brought into just and effectual operation, ought to be made known to the parties interested before they left their native country. He therefore recommended the noble Lord to advance the measure further before he allowed the present Session to pass away.

Mr. *J. Grattan* expressed his satisfaction that the bill was to be given up, for he was prepared to give it his most strenuous opposition.

Mr. *G. Dawson* thought it very unfair that the Irish and Scotch poor should be saddled upon the English landholder. He thought the only way to prevent this was to pass a declarative act, to the effect that such poor should not be of right entitled to relief here. If the emigrants from Ireland knew that they would not be passed back at the expense of this country, he was sure that they would not come here. He therefore concurred in the views of his right hon. friend (Mr. S. Bourne) near him.

Sir *G. Philips* thought that the measure proposed by the right hon. Gentleman (Mr. S. Bourne) opposite would meet all the difficulties of this subject.

Mr. *Estcourt* was of opinion that the suggestion thrown out by the right hon. Gentleman (Mr. S. Bourne) ought to be attended to.

Mr. *R. Palmer* concurred in the proposition of his right hon. friend (Mr. S. Bourne), and thought that a measure on that principle should be introduced this Session.

Mr. *C. Calvert* was glad to hear that the noble Lord intended to postpone this measure. With respect to the measure of the right hon. Gentleman (Mr. S. Bourne) he could not, until he heard more of it, pledge himself to support it.

Mr. *S. Bourne*, after repeating the nature of his proposition, said, that the learned member for Clare was quite mistaken in supposing that the Act respecting whipping would be revived by the bill of the noble Lord. That Act was altogether repealed, and no case of whipping could possibly arise, even if the noble Lord's bill, as it now stood, should pass into a law.

Lord *Stanley* was glad to hear that the hon. and learned member for Clare was wrong in his law on this subject, because nothing could have been further from his (Lord Stanley's) intention than to revive such enactments. Under all circumstances, he thought the course he had already mentioned would be the best he could follow—namely, to withdraw the bill for the present, and to refer a measure of the same nature to a select committee in the next Session.

ABOLITION OF SUTTEES.] Mr. *S. Wortley* moved, that there be laid before the House copies of Despatches from the Governor-general of Bengal in Council, the Governors of Madras and Bombay, containing copies of any Proclamation in those Presidencies for the Abolition of the practice of Suttee. The hon. Member stated, that the House would see by these despatches, that the order for the abolition of this practice had been already issued in Bengal and Madras, and though it had not, at the date of the last despatches, been issued in Bombay, it was probable that it had been issued since.

Mr. *F. Buxton* congratulated the House and the country on the abolition of this barbarous custom, and thought the noble Lord at the head of the government of India was entitled to great credit, for his humanity and firmness in doing that which other Governors-general had been afraid to attempt.

Motion agreed to.

WAYS AND MEANS.] On the Motion of the Chancellor of the Exchequer, the Order of the Day was read for the House to resolve itself into a Committee of Ways and Means.

FOUR-AND-A-HALF PER CENT DUTIES.] Sir *James Graham* said, that as he was anxious at all times not to impede the public business, and most anxious at all times not to obtrude his observations unnecessarily on the House, not having in any motion of his any factious object, or any merely party purposes, and being convinced that the Motion he intended to submit to the House related to a great constitutional question—before he brought it on, he wished to make a proposition to the right hon. Gentleman. His proposition was this:—That his Majesty's Ministers should undertake, without loss of time, to bring in a bill to limit the prerogative of the Crown to import commodities free of duty, to such commodities as were for the use of the Crown, and not allowing it to import commodities free of duty, for sale, particularly the sugar which was sent here in payment of the 4½-per-cent-duties, from Barbadoes and the Leeward Islands. If Ministers would accept his proposition, and bring in such a measure, it would take away the necessity of making the Motion of which he had given notice, though he should reserve to himself the right, if he were not satisfied with the measure, to bring forward a Motion on the subject hereafter.

Sir *Robert Peel* was glad of the opportunity of making that statement before going into the committee, which his right hon. friend would have had to make. It appeared, that according to the principle of the Constitution, nothing was more clear than that it was the prerogative of the Crown to bring into the country any commodities without the payment of any ordinary duties; and it was quite clear that this prerogative extended to the sugar which the Crown received in payment of the 4½-per-cent duties. It was, he asserted, quite clear, according to the constitutional law of this country, and the common law, that this sugar was not subject to pay Customs' duties. That was the fact in point of law. The proceeds of those duties (the 4½-per-cents), though evidently belonging to the Crown, were not appropriated to any personal, but to public objects; and were applied to diminish the charges on some other public funds. At the same time, he was not prepared to contend that the Crown could import commodities for sale in the market, except on payment of duties, like other persons. Neither was he prepared to say, that the prerogative, though existing constitutionally to this extent, might not lead to public inconvenience. He was not prepared to say, that the prerogative, if wholly unlimited, might not lead to abuse. It was therefore the intention of Ministers to place the prerogative under such a limitation, that the sugar for sale should not be brought into the market without paying the Customs' duties. His right hon. friend would have to introduce a legislative measure on the subject to the House. He should reserve himself for further explanation when the measure was submitted to Parliament, and then the hon. Baronet would have an opportunity of seeing if the enactment merited his approbation.

Sir *James Graham* said, he should not consult the feelings of the House if he did not accept the proposition of the right hon. Gentleman. He hoped, when his Majesty's Ministers brought in a measure to limit the prerogative, that it would be such as would command the assent of Parliament. He was glad to see the Ministers undertake this from a sense of what was due to constitutional principles; and in particular the measure gave him satisfaction, as it prevented him from trespassing on the House at some length. It would be more satisfactory to the House and the public also to see the Ministers do this, not from compulsion but a sense of duty.

Mr. *John Stewart* took the opportunity to call the attention of the Colonial Minister to the monopolies which existed in Ceylon. They had been adverted to the other evening, and must be, he was quite sure, inimical to the prosperity of the colony and destructive of its revenue,

Mr. *Huskisson* expressed his unfeigned satisfaction at what he had heard from his right hon. friend, the Secretary of State, and that it was his intention to bring in a bill to avoid trying the question of extreme right. With his right hon. friend he held that the right was clear and unqualified in the Crown to bring in all the articles that were required for the consumption of the Crown, free of duty. Such was unquestionably the prerogative of the Crown; but it was one thing to state that prerogative as a question of a constitutional character, and another to stand on the exercise of an extreme right, when that might tend to public inconvenience. It was clear that by the law the sugar sent in payment of the 4½-per-cents might be exempt from duties, but he denied that the order given two years ago, to exempt those sugars from the payment of duty, was consistent with the public advantage. Let the House look at the practical result of such a measure. A person went into the market and bought some of this sugar that was sent here in payment of the 4½-per-cents; he would buy it at the market price, and he would pay for it what was called the long price, which included the duty; the broker who sold the sugar would hand over the proceeds, duty and all, to the agent for the 4½-per-cents, but the purchaser might go immediately afterwards to the Custom-house, and, if he exported that sugar, demand the whole drawback. That was a state of things that was open to many inconveniences, and ought not to be suffered to continue. He hoped, therefore, that the measure would limit the right to import commodities duty free to such as were for the use of the Sovereign himself.

Sir *Charles Wetherell* contended, that the Sovereign had the right to import whatever he pleased for his own use, duty free. He had several other rights of property of this kind, such as the right to the Droits of Admiralty, to wrecks, and others —and the Ministers, if they pleased, might give up these and all other rights, but he hoped they would not give up his opinion. To contend that the Sovereign had not the right to import commodities without paying duties, was to say that his Majesty must not travel from London to Windsor without paying tolls on his own roads. The House could no more levy duties on the articles for the Sovereign's use, than it could make him pay a shilling or a sixpenny toll. The hon. Baronet supposed a case, that the Crown descended from its dignity and commenced trader; and if such a case were brought before the Parliament, he should express his opinion on it, but that was only a case supposed by the hon. Baronet. The Crown could not descend from its dignity to be a trader. Several Members of that House had rights similar to those of the Crown. If the hon. member for Cumberland had a manor with sea coast, and the Crown had given him the right to wrecks which might happen, he might, if a cargo of sugar or rum came by that means into his possession, bring it into the country without paying any duty whatever, because he did not import it as a merchant. When the bill mentioned by the right hon. Gentleman should be brought in, he should have an opportunity of delivering his sentiments on that; he would for the moment content himself with affirming, that the Crown had the right to import what it liked duty free, and that its rights had been frequently acknowledged by the Courts.

Mr. *Bright* thought the prerogative of the King in this respect was much more extensive than the hon. and learned Gentleman had described it to be; and, although it was not always exercised, there could be no doubt of its existence. He was very much afraid that the bill now announced to the House, so far from limiting that prerogative, might, perhaps, enable the Crown to devise new means for its being called into operation, and therefore, he now gave notice of his intention to watch its progress, and examine thoroughly its details.

The *Attorney General* could assure the hon. Member, that the bill meant neither to encroach on the prerogative nor to extend its privileges; its object was to adjust that portion of the royal privileges by which certain commodities were imported, and might subsequently be sold, duty free, to the level of existing usages and institutions. The sugars alluded to stood on a different ground from other articles which the Crown might import free of duty.

Mr. *Baring* had, from the very first, looked on this exercise of the prerogative of the Crown with great jealousy, and he rejoiced at the prospect of a full and complete settlement of all the questions to which it gave rise. Notwithstanding what the hon. and learned Gentleman said, in this case there had been an actual importation for sale on the part of the Crown. The Crown had descended to be a merchant, and against future acts of the same kind it was necessary that the Parliament should guard. It might, if it pleased, import wine duty free, it might import the spices it monopolised at Ceylon, it might import the wool of the King's flocks from Hanover, and, in short, it might, if the principle were admitted, become, as was the case in some countries, the one great merchant. He looked, therefore, on this exercise of the prerogative of the Crown with great jealousy, and he trusted that it would now be defined and abridged.

Sir *Robert Peel* said, he had always endeavoured, as much as possible, to support the just prerogative of the Crown, but he could not conceal from himself, that the exercise of a power of this kind should be dispensed with, and that it was necessary to put an immediate termination to all the speculations or suspicions which it might call forth.

Mr. *Brougham* approved of the declaration of the right hon. Gentleman (Sir R. Peel), and declared, that a proper limitation of the prerogatives of the Crown was the surest method to fix them on a permanent basis.

Mr. *Hume* thought, that the time was come, when the exercise of prerogatives of that kind should be put an end to for ever. He did not see, too, on what principle the ambassadors of this country, who were so well paid for their services, should possess a privilege beyond the rest of his Majesty's subjects, and he hoped that the practice with respect to them would also be abandoned. The right hon. Gentleman (the Chancellor of the Exchequer) admitted that he had received 50,000*l.*, being the amount of two years duty on these sugars. He (Mr. Hume) hoped that the right hon. Gentleman, as he was going to bring in a bill to abolish the practice, would also refund the 50,000*l.* which it appeared he had appropriated without the consent of Parliament.

Sir *C. Wetherell* said, in explanation, that the only object he had in view in the few observations which he had addressed to the House was, to vindicate the official law opinion which he had delivered with respect to the West-India sugars, which, he still maintained, the Crown was entitled to import and sell duty free.

The House went into a Committee.

The Chancellor of the Exchequer moved a Resolution to the effect that a sum of 4,000,000*l.* sterling should be granted to his Majesty out of the consolidated fund, to make good the supplies of the current year.—Agreed to.

The House then resolved itself into a

Committee of Supply.—Mint Coinage.] Mr. G. Dawson moved that 19,000*l.* be granted for the charge of Gold and Silver Seignorage for the year ending January, 1831.

Mr. *Poulett Thomson* submitted to the right hon. Gentleman opposite, the propriety of making some alteration in the present mode of doing business at the Mint. At present there was no charge for seignorage, and the expense of coining for individuals from bullion was defrayed by the public. He thought it would be much better were some charge affixed which would save the public this expense, and at the same time not hold out a bounty to melting the coin of the realm. He should object, however, to any seignorage exceeding the cost of the coining, as that would be *pro tanto* a depreciation of the currency.

Mr. *Warburton* did not agree with his hon. friend, the member for Dover, that there ought to be the imposition of this seignorage, for such a charge would be equivalent to a depreciation of the intrinsic value of the coin of the realm to the amount so imposed. In the French Mint, a charge amounting to 100,000*l.* a year was levied for seignorage of gold and silver coin, and the expenses of the Mint of France were nevertheless greater to the public than were those of the establishments in this country.

Mr. *Poulett Thomson* explained, that he was misunderstood by his hon. friend. He had never intended to impose an expense calculated to depreciate the coin; but merely required a payment, in the shape of seignorage, equivalent to the expense incurred by the public in performing the work of coining for individuals.

Mr. *Davies Gilbert* had a great objection to any plan of seignorage, for the effect would be, that the amount, be it one or two per cent, or whatever other sum, would fall on the last holder of the coin, in addition to his loss by the depreciation of weight.

Mr. *Hume* wished to know in what manner the profit of eight-and-half to ten per cent upon the coinage of silver was appropriated for the public service. It was known that this profit was considerable, and it ought to go in reduction at all events of the 19,000*l.* a year which was expended at the Mint.

Mr. *Herries* replied, that there had not been of late any silver coinage, except about 100,000*l.* for the Colonies, during the year before last. At one time there had been a considerable profit on the coinage of silver at the Mint, but the amount was duly carried to defray the expense of the gold coinage. The latter had always been charged to the public (without seignorage) since the reign of Charles 2nd. It was obviously necessary to maintain the establishment for its prompt fabrication, to guard against the difficulties to which the transactions of the country might be exposed upon an emergency arising out of any fluctuation of the exchanges. The 19,000*l.* now required, he must observe, was not for the establishment of the Mint, but to pay the expense incidental to the gold coinage.

Mr. *Baring* looked upon the present plan at the Mint as not only one by which the public sustained an unnecessary loss, but as furnishing likewise a premium to the party who brought his bullion to the Mint for coinage, at the expense of the country. The question of seignorage was, he knew, a difficult one; and there were many different opinions concerning it, but he believed that there could be but one opinion of the plan followed at our Mint. Whenever parties took bullion there they immediately received coin in its place, so that if the market price of bullion were equal or a little lower than the settled price given at the Mint, the owners of the bullion made a large immediate profit at the public expense. This was absurd. At least, those who carried bullion to be coined should wait till it was coined, and not receive money for it immediately. To keep a large quantity of money ready coined to meet such demands was a great expense. The system ought, in his opinion, to be altered.

Mr. *Herries* said, that the business of the Mint was governed by fixed regulations, which were deemed salutary for the public. Formerly the mode of transacting it was such that the Bank of England became the sole great importer or monopolist of bullion, and enjoyed from that situation a profit upon procuring coin for individuals, Having the monopoly it never gave more than 3*l.* 17*s.* 6*d.* per ounce for bullion, while the Mint price at which it received coin in return was 3*l.* 17*s.* 10½*d.* The Bank sent its bullion to the Mint, and could afford to wait a short time to have it coined, because such a corporation must always have a quantity lying idle in its coffers, and the interest of the money was therefore no object to it. Not so individuals; they could not afford to lose the interest of the value of their bullion for four or five weeks, while it was in progress of coinage at the Mint, and the consequence was, that they were obliged to deal for this money with the Bank. This course had, however, been of late altered, and, as he believed, beneficially for the public. In the committee of 1819, the House would probably recollect the valuable evidence given by Mr. Mushett, of the Mint upon this subject, which suggested a great improvement in the Mint practice and price. On the occasion when the change in the currency was soon after carried into operation, it was deemed right to act upon Mr. Mushett's suggestion. The Government was then naturally anxious to afford every facility to the public to meet the new state of things which that change must cause, and they had prepared a large issue of metallic currency to meet the withdrawal of the paper-money as speedily as possible. A good deal of the silver at that time provided was not eventually wanted, and the funds so employed were afterwards used in promoting the supply of gold coin, so that all the arrangements providently tended to suit the public wants. By thus throwing open the facilities to the public at large, which were previously enjoyed by the Bank, the importing merchant became a gainer to the amount of nearly one-half per cent, and the expense of the Mint was still only the same to the country that it was when the Bank, from the circumstances he had already stated, enjoyed the whole profit of the supply of coin. Surely, then, the present practice was preferable for the public generally. If the country returned to the old system, the Bank would gain all the advantages, it would again become the monopolist of the coin, and would make a profit at the expense of individuals.

Mr. *Baring* explained, that even this advantage was given to individuals at the expense of the public; and why, he again asked, should the latter be called upon to give a premium to people to import bullion for individual profit? He denied this alleged advantage of coining for nothing, and thereby giving a premium of that kind. He knew very well that Mr. Mushett was an able and excellent public officer, and he knew also that he had acquired (honourably and fairly it was true) a handsome private fortune. It appeared from the evidence which he gave before the committee, that his office at the Mint derived a profit from the quantity of coin there provided. By the change in the system, the right hon. Gentleman had taken the public money from the Bank and given it to individuals. The right hon. Gentleman had done that on mistaken principles, for the Bank never had a monopoly, and could not have had without a very great sacrifice of capital. It derived certainly some advantage from the former practice, but not sufficient to tempt individuals to enter into competition with it, which they might have done. On the subject of the silver coinage he would beg leave to make a few remarks. In his opinion, the silver coinage of the country was placed at this moment in a very awkward predicament. He did not mean on so inconvenient an occasion as the present to go into the comparative merits of a gold or silver standard for coin, but he must remark, that the current value of the silver coin, and the market price of silver, stood at this moment in a totally different proportion towards each other from that in which they did when the last Act passed, and yet the Act was expressly founded upon that mutual relation. The Act regulated that 66*s.* should be coined out of the pound weight of silver, worth at the market price intrinsically 62*s.*, and it was founded on the opinion that this difference of value would not be a sufficient inducement to the coiner to produce false money. But what was the case now? The difference was as 59*s.* to 66*s.*, so that the relative value between the metal and the money, which was the whole foundation of the bill, had of late entirely altered in favour of the fabrication of a spurious coin, and the subject must, he had no doubt, in another Session be entirely looked at and revised. He had heard something of the excess of the new silver coinage which had been prepared at the Mint, and he thought that first the manufacture of the money and then the withdrawal of this great load of silver, was a clumsy, awkward, and absurd operation. Where was the bulk of this silver now? It clearly was not in circulation, for it was admitted not to be required. Was it in the Bank or the Mint? The right hon. Gentleman talked of the value of affording facilities to the public to obtain specie. But, he would render much more advantage to the community would he enable persons to import the precious metals from the States of the New World, at a less expense than at present, than he could render by this gratuitous plan at the Mint. It was very material to reduce the expense of freights, and much more good would be done by that, he was convinced, than by employing the funds of this country to coin bullion free of seignorage for individuals. Besides, he had heard there was a spurious silver coinage in circulation, concerning which, he should be glad to obtain some information.

Mr. *Herries* explained, that there had not been within the last three or four years any new silver coinage, except that for the Colonies. The coinage alluded to was that prepared after the passing of the bill for putting an end to small notes and to facilitate its operation for the public. He was at the same time willing to admit, that he believed there was at present a larger silver coinage than the wants of the country required, and he apprehended the surplus was accumulated at the Bank, for there was none in the Mint. As to the rumour that there existed a spurious silver coinage, which had found its way into circulation, he meant not a counterfeit or false coin, but one of silver, of the same quality and fineness as the Mint coinage, which was supposed to have been fabricated in a foreign country and introduced into this to secure the profit which might be derived from the difference between the nominal value of the coin and market-price of the silver. He had not the least reason to believe there was the smallest truth in this supposition; indeed, from all the information which he could obtain, he thought there was no truth in the rumour, and for this reason, a quantity of silver coin had been selected as spurious, and sent to the Mint, where it underwent a careful examination, when the result was, that every single piece was ascertained to be the genuine fabrication of the Mint. He had no other reason than this for disbelieving the rumour, and he knew that not a single piece other than the legitimate silver coin had been detected at the Mint. Many examinations had been made to detect the supposed imposition, but in no instance had any thing been discovered different from the true coin. He had already said, that the expense to the public was now the same as when the Bank had the chief business of providing bullion in its hands, but the public generally had greater facilities than formerly, to get bullion coined, and now shared in the advantages that were formerly the exclusive possession of the Bank. The public certainly could not lose by the Government keeping prepared a considerable supply of coin ready for the public service; it must always have large balances in its possession; and was it not just as well, if not better, that these should be in the shape of gold coin ready for issue than lying dead at the Bank? There was no additional expense, and there was a provident arrangement for the public service.

Mr. *Huskisson* did not mean to argue that the expense of this Mint process was greater than the advantage derived from the increased facilities afforded to the public in the manner mentioned by his right hon. friend; but he quite agreed with the hon. Member opposite (Mr. Baring) that great public benefit would be derived from decreasing the expense which was at present attendant upon conveying the precious metals into this country. By increasing the facilities of transport a real advantage would be derived, and a saving of at least one half per cent assured for the importing merchants. Why should the merchants who speculated in the import of bullion have a duty of two per cent, and sometimes, if the vessel touched at Jamaica and other places of 3 or 3½-per-cent imposed upon them for its conveyance in Government packets or ships of war? He knew for a certain fact, that the importation would have been infinitely greater from South America, if it had not been for the existence of this tax. Merchants were quite ready to pay the same freight as was paid for public treasure brought in the King's ships.

Sir *G. Cockburn* said, that the tax was not so great as the right hon. Gentleman had stated. Its average was formerly only about one and a half per cent, it was at present at most two per cent. The reason of the imposition of the tax was, because the naval officers had often to make good great losses to the merchants. He knew a case in which an officer had to make good to merchants the fourth part of the invoiced treasure. It would be most unjust not to give such a remuneration to the officers as would cover the risks they ran. Another reason for increasing the charge was, that the Admiralty desired to discourage the practice of sending bullion by the King's ships. The advantages of that were so great, that captains sometimes ran after freights rather than after pirates. He had, however, to add, that henceforward, the freight was to be the same from Rio Janeiro as from Jamaica; and that it was intended that in no case should the freight be more than one and a half per cent.

Mr. *Huskisson* said, that any naval officer carrying public treasure would consider himself well paid at one per cent. He therefore thought that the freight paid by merchants ought to be much lowered. In the case mentioned by the gallant Admiral, the captain had himself to blame, as it was his duty to see that the bullion shipped accorded with the invoice. He did not think that the responsibility of the commanders of packets would be found of much avail, should the treasure they were intrusted with be found deficient.

Sir *G. Cockburn* observed, that there was a great difference between officers carrying money for the Crown and for merchants. If an officer used every proper care of the money intrusted to him on the part of the Crown, but should by misfortune lose it, the Crown would absolve him from repayment. But in cases of money intrusted to him by merchants, he was responsible to the whole extent of his fortune for its safety.

Mr. Alderman *Thompson* complained of the high rate of freight imposed on merchants, inasmuch as there was an invariable agreement that the naval officer should only be responsible to the amount of one quarter of the sum intrusted to him. As to the other points brought under discussion—the advantage of individual importers of bullion—that was much exaggerated. The advantage which the Bank gained was trifling, as it was always obliged to keep a large balance in hand.

Mr. *Maberly* thought the Government had a right to charge a freight for money imported in King's ships, but he thought that the profit ought to be put in the public purse.

Mr. *Hume* reminded the House how often he had pressed the subject upon the Government. If a naval officer were a Member of the House, or connected with Government, he was immediately put into a fast-sailing frigate, which sailed along the coast of South America, took in one or two millions of dollars, and thereby put into the pocket of the officer 20,000*l.* or 30,000*l.*

Mr. *Baring* remarked, that the only return for British manufactures from South America was gold and silver, and unless bullion were brought home upon fair terms, the effect would be, to destroy the trade.

Vote agreed to.

LAW EXPENSES OF THE CROWN.] Mr. Dawson moved, that a sum not exceeding 7,000*l.* be granted to his Majesty, to defray the expenses arising out of Prosecutions relating to the Coin of this Kingdom for 1830.

Agreed to.

On the question, that a sum not exceeding 15,000*l* be granted to his Majesty, to defray the expenses of Law Charges for 1830, being put,

Mr. *Gordon* wished to know whether these expenses were incurred by the Treasury, for the prosecutions, or rather persecutions of the Press during the last year. In 1829, the sum voted for fees of Counsel was only 2,289*l.*, while the Estimate for the present year was 3,139*l.* He also observed on the practice of employing a great number of Counsel. In the prosecution of Mr. Alexander six Counsel, he believed, were employed for the Crown, while a private individual would perhaps only employ two or three. He hoped the hon. Gentleman opposite would give a detailed estimate of the manner in which the sum voted last year was expended, previous to bringing up the Report.

Mr. *Dawson* said, that the sum for fees of Counsel was lower this year than last. The vote for this year was not proposed upon a calculation of the probable expenses, but upon the average expense of the three preceding years. With respect to the number of counsel employed, probably his learned friend (Sir J. Scarlett) would give the House a good reason for that. He must, however, state, that the fees paid by the Solicitor of the Treasury were much lower than those paid by private individuals.

The *Attorney General* thought he was bound, on the occasion of the prosecution which had been adverted to, to give his Majesty the benefit of the Counsel whom he considered most efficient. He was perfectly ready to show, that the charges in this instance were usual and reasonable, and he was ready to meet any motion which the hon. Member might bring forward on the subject. It was a matter of great, and he might add, indispensable convenience to the Attorney General to have the assistance of King's Counsel in cases of this description. He and the Solicitor General were often called out of Court on such public occasions, when it was important that they should be present, and it was necessary in such instances to have Counsel ready to take upon them the management of the case. If the hon. Member himself should happen to be engaged in an important suit, and if such an humble individual as he (the Attorney General) should be fortunate enough to be employed as his Counsel, and if he should be called out of the Court at the critical moment, as he frequently was, to attend his public duty in the House of Lords, in the Court of Exchequer, or before the Privy Council, the hon. Gentleman might then find the necessity and convenience of having Counsel employed to assist him and to take his place in his absence; now what the hon. Member would think right and proper in his own case, he should concede to be right in the case of Government. As to the number of Counsel, it was not greater than was usually employed in such cases. That was his answer to the hon. Gentleman, and it was all the answer he was prepared to give to him on the subject. As to the fees that had been paid in these cases, they were not equal to the fees which were often paid in private prosecutions. He thought he had now answered all the questions and the statements of the hon. Gentleman. He might be allowed, however, to tell the hon. Member, that if he was anxious to make personal attacks upon him, he ought to do so in the regular way, by bringing a specific motion before the House. Let him do that, and he would be then ready to meet him. Let him do that, and not assail him by those side-wind attacks, and by calling prosecutions, which he in the discharge of his duty felt himself bound to institute, " persecutions." He thought it was an unworthy use, for any Member to make, of the privilege which he possessed in that House, thus incidentally to make attacks upon an individual for which he was not prepared at the time, and with the full refutation of which he could not upon such an occasion occupy the time and attention of the House. He was most willing, most anxious, that the whole line of his conduct should be submitted to the decision of a vote of that House, and he would be ready to stand or fall by the vote of the majority. He should be sorry, indeed, to find any thing like a large minority against him, but he was confident that such would not be the case. He should be very sorry indeed if many Gentlemen in that House participated in the sentiments expressed by the hon. member for Cricklade, and at all events he should derive some consolation from the reflection that his conduct did not meet with the approbation of that hon. Member. He would say, that it was not fair, upon asking a question, to make a public attack of this kind, and that a question of finance should not have been introduced by an expression conveying a sarcasm and a sneer. Something had dropped from the hon. Gentleman which seemed to insinuate that he received a great portion of the fees paid for those prosecutions. Now he was ready to meet the hon. Member, if he would make a specific motion on the subject, whenever or wherever he pleased. Of the fees which were paid to Counsel in all the various departments, and of which he could assure him that the Attorney General received a very small portion, the hon. Member would have an opportunity, by a return which would be laid before the House in a few days, of seeing the amount; he would then find that the office of Attorney General was one that was not overpaid, and that the labour of the office was considerable, while the remuneration was comparatively small. And as he was now on his legs, he would take the opportunity to remove a mistake which had gone abroad on the occasion of a bill lately passing through that House—he alluded to the notion which appeared to have been taken up by the public, that the Attorney General would derive considerable emoluments from a demise of the Crown. He had taken some pains to ascertain the fees which would in that case be received by him, and by the Solicitor

General upon every patent which would then possibly be renewed. It was only fair to assume, that not more than two-thirds of them, that is to say about 200, would be renewed; in that case he hoped the hon. Member would just attend to the kind of work which the Attorney General had to do in each of those instances where patents were renewed. The Attorney General had to prepare the bill; copies of the bill when prepared were sent round to the different offices, and after the bill was approved of and signed by his Majesty, it was carried round to the various offices, and for all that the Attorney and Solicitor General, who prepared and arranged the bill, received only a fee of *5l.*; and the whole of the Patent Clerk's fees amounted only to *3l. 15s.* He believed that the whole amount charged was far less than would be charged by a Solicitor for doing an equal quantity of business for a private individual. He hoped the House would forgive him for making that explanation on such an occasion. The bill from which had originated the misapprehension which he was desirous to remove was generally discussed at three or four o'clock in the morning, so that he had no opportunity then of disabusing the public mind of the erroneous impression that the Attorney General would derive great emoluments from a demise of the Crown. It should be recollected that the sum charged in this estimate was for Treasury business, which branched into a variety of departments, and he thought that the estimate was, under such circumstances, a very small one indeed.

Mr. *R. Gordon* would in the first instance say a word as to what had been said by the hon. Gentleman, the Secretary for the Treasury, as to the amount of those fees to Counsel charged in this estimate. The hon. Gentleman had said, that 3,139*l.*, the amount charged, was not taken upon the expenditure of last year, but was the average of the three preceding years. Now the hon. Secretary for the Treasury was exceedingly unfortunate in that statement, for it appeared that the amount of fees charged in the three preceding years was as follows:—in 1829, 2,189*l.*; in 1828, 2,819*l.*; in 1827, 2,700*l.*; so that he (Mr. Gordon) was perfectly at a loss how to make out that 3,139*l.* formed the average amount of the fees charged in those three years: so much for the arithmetic of his hon. friend the Secretary for the Treasury. A word now as to his Majesty's Attorney General, if indeed so humble an individual as he was might venture to say anything in the presence of that great personage. The learned Gentleman had complained of his having used the word "persecutions," and he had maintained that it was unfair to apply that epithet to what were only prosecutions. Now he would venture to tell him, Attorney General though he might be,—that as long as he retained a seat in that House, he would never fail there, as well as every where else, to call those prosecutions "persecutions." He would use that term whenever and wherever he pleased, and he would not be put down by his Majesty's Attorney General for using it. The learned Gentleman complained that he had preferred an accusation against him in reference to those prosecutions, but could he say that he accused him in his absence? The learned Gentleman was present, and he had every opportunity afforded him to answer for his conduct. If he had not been present, then he might have justly complained that he had been making charges against him, and attacking him behind his back. But he had pursued an opposite course, and he had stated fully and fairly, in the presence of the learned Gentleman, and before the House, that he considered those prosecutions persecutions. The learned Gentleman had talked about the propriety of his (Mr. Gordon's) bringing forward a specific motion on the subject, and he said that an opportunity might be easily found in that way for arraigning his conduct, when he should be prepared to meet whatever charges might be preferred against him. Why the thing had been done already, and what was the result? A majority of that House, which his Majesty's Attorney General could seldom fail of commanding, pronounced a decision in his favour. At present, indeed, and for some time past, he had heard rumours of other motions on the subject. The hon. member for Newark had been whispering about a motion of the kind, but he had never brought it before the House. He would tell the learned Gentleman, that if he had been more constant in his attendance in that House, he would not have heard now, for the first time, that accusation preferred against him of which he so much complained. During his absence from the House on various occasions, hon.

Members on that side of the House had expressed an opinion similar to that which he (Mr. Gordon) had expressed with regard to those prosecutions; and if he had used a strong word, in calling them "persecutions," he was sure that his constituents and the country at large would sympathize with him in that feeling. He should only add, that when the House resumed, he should take advantage of the facility offered by the Secretary for the Treasury, to move for a detailed account of the charges incurred for those prosecutions. The learned Gentleman said, that if he (Mr. Gordon) should happen to have a suit, and should employ him to conduct it, that he would join other Counsel with him certainly; but he would retort the comparison on the learned Gentleman; he would consider this charge against the public as he would consider a charge in his solicitor's bill, and he must object to that to which he should object if he found it in the bill of his solicitor. It was quite plain, of course, that the Attorney and Solicitor General could not each be in two places at once; but were they to be paid for being so? Were they to receive fees for being there when it was impossible that they could attend? He conceived that this estimate was well worthy of the serious consideration of the Committee.

Mr. *D. W. Harvey* said, that they had been told, that a portion of this money had been issued for the payment of fees in suits. He inferred from that statement that the suits in question were suits in Chancery; and he was anxious to obtain information as to the number of suits of this description which had been instituted by the Treasury, and the amount of property which had been thus acquired for the Crown. It was well known that all the effects of persons who were born illegitimate, and who died intestate, devolved to the Crown. He believed that large estates of that character had devolved to the Crown. His attention had been called to the subject by a professional gentleman, who acted as solicitor for an individual who claimed as the legal descendant of the deceased, but who was defeated. In that case the sum of 90,000*l.* came to the Crown. He should wish to know what was the amount of the sums so received, and how those estates had been disposed of; for as they were in general extremely profitable, they should at least pay the costs incurred in the suits instituted for the recovery of them. The Attorney General had stated that they would speedily have laid upon the Table of the House a Return of the fees paid to the law-officers of the Crown, and that it would be seen from that, the Attorney and Solicitor General were very moderately paid. It would be well for them to have such a Return laid before the House, for it would go far to remove the erroneous impression which prevailed throughout the country, and in which he (Mr. Harvey) would confess that he participated, that those parties were not too much employed for the emoluments which they received. The hon. and learned Gentleman had stated truly and candidly, that the whole of the fees paid to the law-officers of the Crown were not so great as were paid to Counsel when employed by individuals. But still they were paid in many cases for doing nothing, and that was a great tax and a great hardship upon the public. He would refer the learned Gentleman to the case of charities. Before any individual could present a petition under Sir Samuel Romilly's Act to file an information, it must first be considered and approved by his Majesty's Attorney General. He could speak of one individual case, and there were, no doubt, many such, in which the Attorney General received his fee, to give his *fiat* to a petition for an information in the case of a charity, and he finally determined that no information should be filed in that case. Here was the Attorney-General of England enabled, in his private character, to act as the party, and as the judge, without the responsibility which attached to the discharge of the functions. The learned Gentleman, though he disapproved of the information, was enabled to retain his fee in this instance. This was conduct which he did not at all mean to charge as peculiar to the present Attorney General. It was the line of conduct which had been uniformly pursued by his predecessors in that office, but it was at the same time a great blot upon the administration of justice in this country, and one which ought to be removed. He would contend that when persons applied to the Attorney General to file an information in the case of a charity, and when they had it certified by eminent Counsel that it was a fit case for an information, it was a great hardship that the Attorney General should have the power of refusing to allow such an information to be filed. He should in a few days have a petition to present on the subject, and might then perhaps go into it more at length. As the Attorney General had stated that the law-officers of the Crown were not over paid, he would say that he agreed with him that they were not over paidfor what theydid, but he certainly thought that they were over paid when they were paid for what they did not do, as in the instances of charities. The system with regard to them was a cruel one; in all instances of charity-cases in the Court of Chancery the Attorney General was not present, and yet in every one of them he took a brief. It was no wonder, then, that the impression prevailed in the country that these officers were rather too well paid. He had moved for Returns of the amount of all the fees in all those suits in the Equity Courts, into which he believed the present Attorney General never went, and in which, therefore, he had nothing to do, though he received fees in all those cases. As the practice of the hon. and learned member for Plympton lay in those Courts, when he was Attorney General, he was of course present at those cases. He (Mr. Harvey) had no objection to the Attorney and Solicitor General receiving large fees for that which they did, but he was of opinion that they should not be paid for merely receiving money.

The *Attorney General* trusted, that on the present occasion he was entitled to claim the attention of the House, while he replied to the statements made by the hon. Gentleman who had just sat down. With regard to the subject of charities he had this to say—the power of investigating and regulating public charities was vested in the Crown, and that power was delegated to his Majesty's Attorney General; and whether it were right that such a power should be so delegated or not, he would not now say; but this he would say, that so long as it was vested in him, as it was, he would keep that right, and he would not allow the hon. Member or anyother person to take it from him. If the hon. Gentleman should choose to apply to file an information in the case of a charity, and have the certificate of a Counsel in support of it, and if the facts should not afterwards appear to warrant such an information, he should only be doing his duty by preventing him from filing it. He felt that he only did his duty in that way in regard to the case to which the hon. Gentleman referred. There had been sent to him from several quarters, copies of a circular letter which had been distributed throughout the country amongst the trustees of the various charities, of which letter probably the hon. Gentleman knew something, and which was to this effect—"You (meaning the trustees to whom it was addressed) are in the receipt of funds for some charity, and we are desirous to have an account from you as to how those funds have been expended; and we are ready to impart to you important information with regard to the charity in question." The letter concluded with a threat, that if it were not met in a corresponding spirit, they would file an information against them at the suit of his Majesty's Attorney General. Such a circular letter had never been authorized by him, nor by the Commissioners for inquiring into charities; and if any individual entertained such a mistaken notion, he wished to take this public opportunity to disabuse him of it, and to set the public right upon the matter. If any individual, a party to this letter, filed an information as a kind of adventure to bring a person into Chancery, and the Attorney General should discover that the information so filed was a wrong one, it was his duty to keep the proceedings in his own hands, the authority being vested in him. He had done his duty in cases of that kind to the best of his judgment, and if similar cases should occur again, he should endeavour to examine them to the best of his ability, and not to allow any man, under any pretence whatever, to take from him that power which had been placed in his hands. He knew that in one or two cases in which the hon. Gentleman was concerned, objections had been taken by him to the filing of the informations, and into the details of those cases he should not enter at present, as they were not before the House. He would content himself with remarking, that he had examined them to the best of his judgment. He wished it to be generally understood, that the Attorney General never sanctioned the circular letter to which he had called the attention of the House; it had never been authorized by him; and if any trustee of a charity had been so far misled, as to suppose that it had been sent round by the directions of the Commissioners of

Charities, or of the Attorney General, he was anxious, by this public contradiction, to set such individuals right upon this matter.

Mr. *D. W. Harvey* said, that the learned Gentleman had made a strange exhibition on this occasion. To any Gentleman who heard him it must have been evident that the Attorney General appeared to be under the impression that he was in a court of law, and not in that House, for he seemed to think that he might deal out to individuals here the same treatment which he did to the unfortunate parties who came under the lash of his forensic talents in a court of law. The hon. and learned Gentleman had complained of what he called the sarcasms of the hon. member for Cricklade. He (Mr. Harvey) would not accuse the hon. and learned Gentleman of employing sarcasms against him, for that would be giving him credit for wit which he did not possess, but he had certainly dealt out a great quantity of coarseness against him, which the House might estimate as it deserved. It was rather odd that the learned Gentleman, who put forward assumptions to a purity of intention which he would not concede to others, should have on this occasion so completely perverted the spirit of a printed letter which could scarcely have been misunderstood if it had been read to the House. In doing that, the hon. Gentleman with his usual dexterity, had diverted the attention of the House from that point with regard to which he (Mr. Harvey) had required an answer from him. He alluded to the amount of fees charged for those suits with respect to charities in Chancery, in which suits the hon. Member had been in the habit of taking fees for doing nothing, though it had been recommended by the law-commissioners as one remedy for the abuses in courts of justice, that learned Counsel should confine themselves to the court, and not go into other courts to scramble for fees for doing nothing. That was what the learned Attorney General had done, for he had taken fees in those suits in Chancery where he could do nothing, as his practice did not lie in that Court. But the hon. Member alluded to a circular letter which had been sent round to the trustees of charities. He (Mr. Harvey) gloried in being the author of that letter. He would venture to say, that the Attorney General would never be the author of such a letter. [*Laughter and cheers from the Ministerial benches.*] He was glad to hear that cheer before he assigned his reason for the assertion he was about to make, for it proved that it was given without any reason for it. He would say, that the Attorney General would never write a letter in such a spirit—it was not a letter written to bring fees to its author for doing nothing. He had never made to the amount of 6*s.* 8*d.* in that way by it. His intention in writing it was to call the attention of the various trustees of the different charitable corporations in the country to the plunder and waste which was made of those funds which were destined for the poor. The country had paid from 200,000*l.* to 300,000*l.* for Commissions of Inquiry on this subject, and yet he (Mr. Harvey) could not file an information when he had discovered an abuse in the management of a charity, and wished to apply the remedy to it, without obtaining the leave of his Majesty's Attorney General. He could refer to many cases to show what he had done to remedy such abuses. He should instance one which a worthy Alderman opposite (Alderman Thompson) must be aware of—he meant the case of the Ironmongers' Company. The funds of this corporation were very large. It had an accumulation of upwards of 100,000*l.* arising from an estate of 3,000*l.* a-year, which had been left to it originally to be applied to the rescue of English slaves captured on the coast of Barbary. Happily for this country such a condition was not now required to be fulfilled; and the question was, whether this money should not be applied to some charitable purpose, instead of being left to accumulate in the hands of this most famous toast-drinking and turtle-eating Company in the city of London. It was for that purpose that the inquiry had been instituted by him with regard to the charitable funds vested in that Company. It was for a similar purpose he (Mr. Harvey) had written the letter which had been mentioned; and he should continue to write letters in that spirit, however they might be characterized by the hon. and learned Gentleman, who would no doubt continue to receive his large fees in the Court of Chancery, where he never practised, and consequently, where he did nothing for the money which he received.

The *Attorney General* said, if the hon. Member were prepared to bring forward any motion on this subject, he should be prepared to discuss it with him on the proper occasion. The hon. Member said, that he had written the letter in question, and that he did so through the purest motives. Of course every Gentleman in that House would give him credit for such motives when he claimed it. It might so happen, however, that the letter would be the means of securing to him some profits. At all events, lest it should be misunderstood, he would repeat that no such letter had been authorized by the Commissioners of Charities or by the Attorney General.

The *Solicitor General* hoped that the House would allow him to say a few words in reference to the case of the Ironmongers' Company, to which allusion had been made by the hon. member for Colchester. He begged leave to say, that as to the result of that case, the hon. Member appeared to be entirely mistaken. No pretence existed to justify any one in stating to the commissioners that there was any intention on the part of the Ironmongers' Company to mismanage or misapply this money; on the contrary, it was shown that all their regulations with regard to it were framed to meet the intentions of the original founder. The only difficulty was with regard to the application of the money, so as to comply with the conditions specified by the founder. He must say, that it appeared upon investigation, that the money had been managed by the Ironmongers' Company in the best possible manner. The hon. Member had no reason whatever to take credit to himself, for having by his vigilance obtained the proper application of that fund. With regard to the controlling power possessed by the Attorney General as to the filing of informations in cases of charity, he would observe, that when the Legislature thought proper to confide that power to the Attorney General, without the authority of a *relator* in Chancery, it was done so in order to guard those individuals who might be connected with charities from any improper bills being filed against them. The hon. Member for Colchester expressed a wish that this state of the law should be altered, and no doubt there were many others who shared in that opinion. But if bills could be filed in any case without such a control, the number of such bills would be vastly increased, and the public would have to lament the result. He did not wish to impute any personal motives to the hon. member for Colchester; it might be quite true that he had written this letter from the purest motives, but one object of the letter which had been sent out would adpear to be to get cases. He did not say that there was any thing wrong in his doing so, but he did not see what right that hon. Member had to get up in that House and assume to himself the credit of nothing but pure charity and benevolence in writing that letter. The fact was, that the hon. Member who had written that letter had filed more informations against the trustees of charities than any Solicitor in London. He must object to that hon. Member's bringing his private business in this way before the House. What was his complaint against the Attorney General? That in the execution of his duty he had taken an information off the file, by which he had suffered great loss. The Attorney General, seeing that the information was an improper one, would not allow it to be proceeded with, and it was natural that the hon. member for Colchester should feel sore upon that point. It was to guard the Trustees of Charities against the filing of vexatious bills and informations against them that this controlling power had been confided to the Attorney General. If such a protection did not exist, it would not be possible to get gentlemen throughout the country to undertake the office of Trustees to charitable institutions. It would be an important object for the hon. member for Colchester to achieve, to get rid of that control, for, as it was, he had filed more informations than any solicitor in the United Kingdom. He (the Solicitor General) had already stated that he did not impugn or attack his motives: he was only desirous to show the feeling which actuated the hon. Gentleman, and which was, no doubt a very proper and a very fair one,—namely, to bring grist to his own mill. In pursuing his professional career that might be a very fair and proper course; but it was right that the House should be aware of the objects of the hon. Member. He contended that the chief inducement to any man of professional eminence, in taking office, was not the pecuniary remuneration, but the rank and station which he derived from it. Pecuniary remuneration there certainly was for the office which he had himself the honour of holding; but he assured the Committee that he should receive twofold the pecuniary remuneration which he now received as Solicitor General, if he were to give up to his private clients the same amount of time which it was now his duty to devote to his public functions.

Mr. Alderman *Thompson* defended the conduct of the Ironmongers' Company, and contended that they had not been guilty of any misapplication of their funds. He wondered how the hon. member for Colchester could bring forward charges in that House, when he knew that the whole case must shortly undergo judicial investigation elsewhere. The hon. Member had told the Committee that a bill had been filed against the Ironmongers' Company. Why had he not told the committee that the Company had put in its answer, and that the Lord Chancellor had ordered that the funds in question should be distributed *pendente lite* as they had been distributed for the last fifty years? Those funds had never produced more than 200*l.* a year; and had never been expended in eating and drinking, as the hon. Member had so boldly averred. An account had been kept of the manner in which they had been expended; and if the hon. Member would inspect it, he would discover that nothing could be more unfounded than the invectives in which he had indulged. He begged pardon for intruding upon the attention of the committee during this irregular discussion; but connected as he was with the great Corporation which had been so unexpectedly attacked, he felt that he should have neglected his duty if he had allowed the observations of the hon. Member to pass entirely unnoticed.

Mr. *Hume* said, that if any person were justly liable to the accusation of irregularity upon this occasion, it was his Majesty's Attorney General, who had introduced a letter into the discussion which had not the slightest connexion with it. The hon. and learned Gentleman had been asked, why he condescended to take fees for suits instituted in his name in the Court of Chancery, when he never went into that Court, or took any part in conducting them. It was a plain question, and admitted, as he (Mr. Hume) thought, of as plain an answer. But the hon. and learned Gentleman, instead of giving the Committee a plain answer to a plain question, did not vouchsafe to give it an answer at all, but endeavoured to divert attention to a very different subject, by going into a letter of which he hinted, more than stated, the substance. The hon. member for Colchester had made no accusation against the hon. and learned Gentleman: he had only said that certain measures went through the hon. and learned Gentleman's hands, for which he received a certain amount of fees without performing any amount of duty. The hon. member for Colchester deserved well of his country for the exertions which he had made to restore to the defrauded poor their property; and of the hon. and learned Gentleman opposite would therefore have acted more prudently by assigning to him the credit which he deserved, than by loading him with misrepresentations, which had much better have been spared, and by talking of a letter which he had never seen. All that might serve very well to take the attention of the Committee for a time from the subject regularly before it; but he trusted that the Committee would not be deceived by so stale a manœuvre. For his own part, he must say, that he entirely concurred with the hon. and learned member for Plympton, in considering the late proceedings against the press not so much prosecutions as persecutions. He was at a loss to conceive how the hon. and learned Gentleman had been able to justify, even to himself, the institution of them. His imagination must have been strangely perverted, his views of public events and of public principles must have been marvellously altered, by his change of situation, and by the place from which he took them; for when the hon. and learned Gentleman sat upon the Opposition side of the House, he was accustomed to admire him as a friend to freedom and an enemy of oppression. Every speech which the hon. and learned Gentleman had made from that side of the House tended to produce that impression upon his mind: but his actions, now that he had changed sides in the House, were all contrary to the character which had gained him his present situation,—he meant the character of a generous and liberal Whig, who had deserved and obtained a leading influence with his party. He appealed to the Whigs, if a Whig were yet to be found in that House, and he asked such of them as had formerly been the associates of the hon. and learned Gentleman, whether they were prepared either collectively or individually to approve—he would not say to applaud—his conduct in the late political prosecutions. He had never met with any Whig who had not condemned those prosecutions, and who had not lamented, in the most poignant terms, that the hon. and learned Gentleman had become, at the close of a long life of honour and eminence, the persecutor of those liberal opinions which he had for so many years so warmly supported. He would avail himself of the present opportunity to ask whether the Lord Chancellor had paid the expenses of the prosecution which he had instituted against certain persons in his individual capacity; or whether those expenses were included in the sum charged in the estimates for expenses incurred in carrying on public prosecutions? That was a point on which he thought it most essential that the committee should forthwith receive some distinct information. He repeated the declaration that the prosecutions recently instituted against the press were persecutions, and said that the best proof of that assertion was to be found in the fact, that they had not ceased until the ruin of the individual against whom they were directed was completely effected. He had heard that such an intention had been avowed on the part of the Government. Now, if such an avowal had been made, how satisfactory it must be to the Government,—how gratifying it must be to the hon. and learned Gentleman and his liberal associates,—a satisfaction and gratification, however, which he did not envy them,—to find that by bringing all their combined influence against an obscure individual, they had at last succeeded in effecting his ruin, by the numerous prosecutions with which they had overwhelmed him.

The *Attorney General* wished to confine himself to a simple answer to the question which had been put to him by the hon. member for Aberdeen, inasmuch as he was convinced that all who were acquainted with his private character would do him the justice to believe that he was not likely to feel gratification at the ruin of any man. The expenses incurred in the prosecutions instituted on behalf of the Lord Chancellor, after it had been taken up as a public prosecution were, he had no doubt, included in this item. He could not positively say of his own knowledge that they were, because he had not the drawing up of this estimate. To the remainder of the observations made by the hon. member for Aberdeen, he would only reply, that he did not know till that evening that in prosecuting the individual alluded to, he had been prosecuting an individual who advocated liberal principles. Neither did he know that that individual was a Whig. If he was, he had taken a most effectual mode of concealing it, by pouring the most unqualified abuse upon that party at all times and upon all occasions.

Mr. *Dawson* rose for the purpose of stating that the expenses of the *ex-officio* information filed on behalf of the Lord Chancellor were included in this estimate.

Mr. *D. W. Harvey* denied that he had made any such attack upon the Ironmongers' Company as justified the remarks which had been made upon his conduct by the hon. member for the City of London. He believed that the members of that Company thought that they had done as well as the members of other companies of "the great Corporation;" and he did not mean to say that they had done worse. All that he had complained of was, that they had had a large sum of money unemployed for years, or if employed, employed on no visible object save that of eating and drinking. It appeared to him that the learned Solicitor General had upon this occasion run wild very unnecessarily. The learned Gentleman had accused him of adopting his present course for the purpose of gaining popularity; and if he might judge from the exhibition which he had just seen, the learned Gentleman was rather envious of the honour which he fancied was acquired by a reformer of abuses. He certainly, and he was ready to acknowledge it, did wish for some popularity, and he believed that the Solicitor General, much as he disguised the fact, was equally anxious to obtain a share of that; else how was it that an inflated account had been published of certain journies made from Lincoln's Inn to the Fleet Prison, and of certain accounts then and there taken of the sufferings endured by a certain class of prisoners? He repeated what he had said before, that so far was the attempt to remedy the abuses of charitable institutions from deserving attack in that House, that he believed that whoever made it was undertaking a work of great utility. The twenty-two volumes of Reports on Charitable Institutions, which had cost the country upwards of 300,000*l.* showed the perversion of funds amounting to 1,000,000*l.* per annum, although the commissioners had not yet extended their investigations over half the country. It was well known that the sums set aside annually by public charities for the relief and education of the poor amounted to more than 2,000,000*l.*; and yet almost half of them presented cases of perversion, which required immediate correction. In spite of all that had been said to the contrary, he would still contend that the man deserved great praise who redeemed a single charity from misapplication. He never said any thing against the lawyers, but he expected to have a hard run made against him by the whole body of them in the House; but though he might get crushed between the heavy waggons of the learned Attorney and Solicitor General, the anticipation of that fate would never deter him from getting up to attack those learned Gentlemen when he considered their conduct to deserve attack, or to vindicate himself when he thought their aspersions rendered his vindication necessary.

Sir *E. Knatchbull* rose, for the purpose of repeating the question which had been already put by the hon. member for Montrose. He thought that he had heard that question answered in the affirmative. If it had been so answered, he, for one, wished to have a further explanation.

Mr. *Dawson* repeated, that the expenses incurred by Lord Lyndhurst in prosecuting an individual for a libel against him as Lord Chancellor, had been included, as the prosecution was taken up by the Crown, under the charge of law expenses for the last year.

Sir *E. Knatchbull* wanted to know the grounds on which such a resolution had been adopted. A great constitutional principle was here at stake, and he should like to hear some satisfactory reason, if such a reason could be given, for so unprecedented a proceeding.

Sir *C. Wetherell* said, that unless some of his Majesty's Ministers explained to the Committee, before this estimate was put to the vote, why Lord Lyndhurst's application for a criminal information was abandoned, and an *ex officio* information filed in its stead, he should move that so much of this estimate as contained the expenses of prosecuting that *ex officio* information to judgment, should be disallowed. The Committee would recollect that he had had an opportunity of discussing a part of this important question before, and he had then promised, that after he had obtained the papers for which he had moved, he would renew the discussion of it in a more enlarged form upon a future day. He had also stated, that it was his intention to bring in a bill to remedy the practice of which he had complained. That bill he had been prevented from bringing forward, owing to the state of business in the House: but he had it ready prepared, and would move for leave to bring it in on the first open day. He would not lose sight of the principle on which it was founded; and if the House should, it would lose sight of that precaution which it was so necessary to keep in view against the improper application of power by Attorney-generals. The Committee would recollect, that upon the occasion to which he had already alluded, he had expressed his opinion that the Lord Chancellor had done right in applying to the Court of King's Bench for a criminal information on his private suit. He had also stated, that if originally an *ex officio* information had been filed for the libel against him in his public capacity, that course would not have been objectionable. But he had also contended then, as he contended now, that the change of the former of these proceedings for the latter was at once oppressive, illegal, and unconstitutional. Having that opinion himself, he should like to hear the opinions of other hon. Members upon that point: and with that view, unless he received a more satisfactory explanation than any which he had yet heard, he should move that the expenses incurred for the *ex officio* information should be disallowed.

The *Attorney General* hoped, that the Committee would feel that he was now most unexpectedly called upon to address it at some length upon a subject that was pointedly personal to himself. He had had no previous notice given to him that a question as to the propriety of his official conduct would be that evening raised in Parliament. Not one of the hon. Gentlemen who had that evening thought fit to pass such sweeping censures on his conduct, had had the courtesy to intimate to him that they intended to bring under the notice of the Committee of Supply, that part of his public conduct which had already undergone discussion once, and which was to undergo a discussion a second time, whenever the hon. and learned member for Plympton should think fit to bring it on by moving for leave to introduce a Bill to prevent the recurrence of such conduct in future. He had promised the House, that whenever his hon. and learned friend should be ready to renew his attack, he would be ready to meet it, and to vindicate himself, as he hoped he had already vindicated himself, to the satisfaction of every just and honourable mind; for he felt that upon this subject, at least, he had a conscience void of all offence. If he were now addressing himself to the judges of his conduct, he trusted that they would act with the impartiality of judges, and listen to his defence before they proceeded to condemn him. He complained that it was a strange and cruel proceeding for him to have to rise in his own defence in a Committee of Supply, without any previous notice that charges were to be made against him. [*Hear, from Sir E. Knatchbull*]. What was it that the hon. Baronet meant by that cheer? Did the hon. Baronet mean to say, that he had had the courtesy or the candour to give him previous notice of his attack? If a question were to be raised upon his conduct in the Committee of Supply, surely, in common candour, he ought to have had some notice of it. [*Confusion, and cries of "Order."*] He did not know from what part of the House, or with what intention, the clamour was raised; but he did hope that hon. Gentlemen did not come into that House with an intention to stop their ears against the claims of justice. He took it for granted that the expenses incurred in prosecuting the *ex officio* information filed for the libel against Lord Lyndhurst, were included, as soon as that prosecution was made a public prosecution, in this estimate; and he took it for granted, because it was quite clear that they ought to be so included. It was now proposed by his hon. and learned friend, the member for Plympton, that they should be disallowed, on the ground that the filing of that *ex officio* information was illegal and unconstitutional. Now it was necessary to remark that that information was conducted by the public prosecutor. Was it usual, he would ask, in committees of Supply, when Members were called upon to vote the expenses of the Government, to object to them without previous notice, on the ground that the purposes for which those expenses were wanted were unconstitutional? He requested that he might be properly understood. Such prosecutions as those now under discussion might be unconstitutional; but was it usual to object to them as such in committees of Supply? His hon. and learned friend, the member for Plympton, had brought forward the subject of these prosecutions at an early period of the session, in a shape in which he did not call for a decision of the House upon them, but only for papers to enable the House at a future period to come to that decision. The Committee would recollect that it was at his own instance that those papers were granted, in order that the House might have before it the means of forming and expressing an opinion upon his conduct. He was desirous of having the opinion of the House expressed in a distinct and intelligible form, instead of having the subject brought forward incidentally, upon all occasions, sometimes when he was present, sometimes when he was absent, but at all times when he was precluded by the forms of the House from replying to the animadversions made upon him. He well recollected the time which his hon. and learned friend, the member for Plympton, had occupied in making his accusations against him, and also in replying to his defence. He well recollected that at half-past 12 o'clock at night, and not till that late hour, was he called upon to reply to his hon. and learned friend's prolix charges. He might deceive himself as to the effects produced by the defence which he had then made: but he thought that he had satisfied not only the House, but also his former and his present associates, if the hon. member for Aberdeen must draw such a difference, that he had not acted in these prosecutions either oppressively, illegally, or unconstitutionally. Since that time he had been waiting for the further explanations which his hon. and learned friend the member for Plympton, and another hon. Member, his ally, had threatened to make upon this subject. His hon. and learned friend, the member for Plympton, said that he had not foregone his avowed intentions upon it,—that he had prepared a bill, involving the principles which he had propounded in his speech, and that he now had that bill in his pocket. If so, why did not his hon. and learned friend bring it forward at once? With respect to those prosecutions he must say, that he had not heard one gentleman, either in that House or out of that House, declare that the libel on the Lord Chancellor ought not to have been prosecuted. He knew that there were many gentlemen, both in and out of Parliament, who disapproved of all prosecutions for libel. Assuming, for the sake of argument, that the opinion was right that there ought to be no public or criminal prosecutions for libel, he would ask hon. Gentlemen to consider, whether, as long as such criminal prosecutions were the law of the land, they ought to let that abstract opinion influence their judgment in deciding upon this, or upon any other particular case? The opinion in question might be a proper opinion; but as it was at present the opinion of individuals only, ought it to be applied to this particular instance? He would ask them to reason for a moment by analogy. It might be, that many of those who then heard him were of opinion that the law of the country as to primogeniture was wrong and injurious; but would they hold that to be a sufficient reason for saying at present that the heir at law should not succeed to his ancestor's estate? Gentlemen might be of opinion that no prosecutions ought to be instituted for libel; but whilst the law of the country remained as it was at present, would they hold that opinion to be a sufficient reason for saying that this particular prosecution was illegally conducted? He next came to another class of reasoners, who thought that no *ex officio* informations ought to be filed. He would not enter into the discussion of that question at present—they might be right or they might be wrong; but so long as the power of filing *ex officio* informations was allowed by the practice of the Constitution, ought they to quarrel with the exercise of it in any particular case? He now came to the consideration of what that particular case was. He requested the particular attention of the Committee to what he was going to say, premising, at the same time, that as he had been unexpectedly, without any previous notice, called upon to make a defence a second time—

Mr. *Baring* rose to order, but was so inaudible, that the Members called upon him to "speak out." He was understood to protest against the irregularity of this discussion. The Committee had already lost more than two hours in the discussion of a subject which had nothing whatever to do with the estimate then before it. In former times it was not usual to talk so much; the consequence was, that they did more, and proceeded without circumlocution to the business of the State. The single question before the Committee was this,—were the expenses of prosecuting the *ex officio* information filed by Lord Lyndhurst against the Morning Journal included in this estimate? A reply had been given in the affirmative, and that had led—

Mr. *Brougham* also rose to order. He was sure that his hon. friend, the member for Callington could not have heard, or if he had heard, could not have attended to the whole of this discussion. He agreed that upon this occasion the Committee had wandered widely from the real question before it, and he was sorry to observe that that was a practice which was daily becoming more prevalent, both in that and the other House of Parliament. If, however, his hon. friend had determined to call the House back to the question, he thought that he ought to have carried his determination into effect before his hon. and learned friend, the Attorney General had been put upon his defence. He contended that his hon. and learned friend, the member for Plympton had put his hon. and learned friend the Attorney General upon his defence by his mode of proceeding that night. The question which his hon. and learned friend the member for Plympton had raised was this —"I will not vote the expenses of filing the *ex officio* information on behalf of the Lord Chancellor,"—for the private prosecution instituted by the Lord Chancellor he took it for granted would be paid out of the Lord Chancellor's private funds—"I will not vote the expenses of the *ex officio* information, until I hear the Attorney General explain why he changed the one proceeding for the other." That might be an inconvenient mode of proceeding for the Committee,—it might be an unfair mode of treating his hon. and learned friend the Attorney General; but as it had been adopted, he did think that his hon. and learned friend ought not to be interrupted now that he had been put upon and had commenced his defence.

Mr. *Baring*: If there be any question of constitutional law at issue between the two learned Gentlemen, it is hard upon the Committee, which has met for business, to have its time wasted in settling it now.

The *Attorney General* proceeded to state, that no one felt more strongly than he did, the inconvenience which had arisen from the irregularity of this discussion. He understood that this vote was objected to, on the ground that the expenses to be covered by it had not been regularly incurred. He was going to discuss that point at the very moment when his hon. friend had interrupted him, by calling him to order. He was going to state why the private information filed by the Lord Chancellor had been abandoned, and why the *ex officio* information had been instituted in its stead. The Lord Chancellor was a high officer of State, an attack was made upon him for his conduct in his office; a charge was preferred against him, that for a sum of 30,000*l.* he had appointed the present Solicitor General to his office. On consideration of the matter, he thought that this charge was preferred against the Lord Chancellor in his public capacity; and thinking so, he felt it to be his duty to file an *ex officio* information against the person who preferred it. That many of his predecessors had exercised the same power was a matter too clear to be denied. Many years ago a libel was published against the Duke of Grafton, then holding high office in his Majesty's councils, charging him with corruption, as falsely, he had no doubt, as the libel in question charged the Lord Chancellor with it. The Attorney-general of that day filed an *ex officio* information against the libeller; and no objection was urged against him for so doing. So, too, in various other cases, *ex officio* informations had been filed by Attorney-generals, for libels imputing great and dangerous offences upon other Ministers. Now, if there were any Gentlemen who thought that *ex officio* informations ought never to be filed, to those Gentlemen he would say nothing: for the question before the Committee was, supposing the right to file *ex officio* informations to exist in the Attorney General, was the libel on the Lord Chancellor a proper occasion on which to exercise that right. He contended, that it was. He wished to add, that in his eagerness to defend himself the last time that this subject was before the House, he had omitted a case which told very strongly in favour of his recent conduct; that was the case of a public officer,—not a Minister of State,—who had instituted a prosecution against an individual for a libel. When he had the honour to be Attorney General, in 1827, Lord Wallace, then Mr. Wallace, who had been appointed chairman of a commission to inquire into the mode of collecting the revenue arising from stamps, made an answer in his place in Parliament to a charge which had been brought against him in his public capacity by Mr. Barber Beaumont. His opinion was, that Mr. Wallace ought not to be left to prosecute that case himself, but that he should be defended from a rude and violent attack, in consequence of a speech made by him in that House, by a public prosecution on the part of the Attorney General. He (the Attorney General) was happy that he could cite, not only his own authority in approbation of this course, but that of the hon. and learned member for Plympton, who, when he succeeded him as Attorney-general, sanctioned and adopted the prosecution, and went into the Court of King's Bench, and obtained a verdict. As that prosecution on behalf of a person in a public employment—though it was true he had ceased to be so—had met the approbation of his hon. and learned friend, he must ask why the Lord Chancellor was not to be treated in a like manner, when he was attacked in the discharge of his public functions? If it were a fit subject for public prosecution, he did not see why he ought to have neglected to file an *ex officio* information; and if he did so, he could not see why the expenses of that prosecution, as in all other similar cases, should not be paid. Whenever any hon. Member should think fit to bring forward a motion respecting the grounds upon which he had instituted a public prosecution, he should be prepared to explain the reasons. He agreed that this was not the best time to make the explanations which he had given to the Committee, but he appealed to its candour and indulgence. The Committee had been invited not to pass this vote without an explanation from him; and he had explained that the transaction was a fit subject for a public prosecution, and he therefore did not think it to be his duty to leave it in the hands of a private prosecutor. Having stated this, he left it to the consideration of the Committee to deal with the vote as it thought proper.

Sir *E. Knatchbull* had not been aware, that in discussing the estimates it was requisite to give a previous notice of any topic to be discussed: it was the first time he had heard so monstrous a doctrine. The question arose out of matters which could not be known to him till he was in the Committee, yet the hon. and learned Gentleman complained of being taken by surprise. As to the propriety of the prosecutions in question, though he had an opinion of his own, he expressed none. All he wished to know was, whether those prosecutions were conducted at the public expense. The hon. and learned Gentleman had referred merely to that on behalf of the Lord Chancellor; but there were several, and he should be glad to know if those other *ex officio* informations were at the public expense. On the general question, as to whether the expenses of prosecuting libels on high public officers should be defrayed by the public, he might have something to say; it was a question of much importance; because, if they were to be so defrayed, he did not know how far that circumstance might not operate as an inducement to an Attorney-general to file such informations. That was a constitutional question which admitted of discussion. But he confessed that he was not satisfied with the explanation of the hon. and learned Gentleman.

The *Attorney General* did not complain of the course pursued by the hon. Baronet. The hon. and learned member for Plympton had said, that unless some explanation on the subject was given to the Committee, he should propose an Amendment, rejecting the vote; and he remarked, that in a matter somewhat personal to him (the Attorney General), he thought the courtesy observed in the House called for some previous notice of it. In answer to the question which had been proposed by the hon. Baronet, he stated that the expenses of all the *ex officio* prosecutions were included in the public estimates. He begged it to be understood, that no information was filed by the Lord Chancellor, it being his (the Attorney General's) judgment that he ought not to proceed in it.

Mr. *Wigram* said, that he could not vote for the estimate: the Lord Chancellor, in his opinion, was in the same situation, when attacked in his private capacity, as another individual, and should defend himself in the same manner.

Mr. *O'Connell* hoped that the hon. and learned Gentleman (Sir C. Wetherell) would bring this question to a decision, by moving his Amendment to strike out of the Estimates the expenses of the Lord Chancellor's prosecution. It was a most unnecessary waste of the public money, not because a foul libel had not been published, but because that libel had been put in a way of being prosecuted. The Lord Chancellor had been foully libelled, and he proceeded to prosecute the libeller. He obtained the answer of Mr. Alexander upon oath, and after he had put the defendant to the torture of this proceeding, what occurred? Why, for the first time, —for no case had been cited where an Attorney-general, after a defendant had put in his answer on oath, had commenced a second prosecution—for the first time, the Attorney General availed himself of the discoveries contained in the answer, acquainting himself with the man's defence, and filed an *ex officio* information at the public expense. He would oppose the vote—first, because the proceeding was totally unnecessary; secondly, because it was unconstitutional, and was a double prosecution for the same offence. Was a British subject ever—he would not say exposed to such persecution,—but placed in such a predicament before? It had been said by the hon. and learned Gentleman, that the person thus prosecuted had not advocated liberal opinions. What consequence was it what that individual's opinions were? He had as much right to his opinions, be they what they might, as the hon. and learned Gentleman. That man was now in gaol: no wonder, as he was prosecuted at the public expense. He did not complain that he was prosecuted. Let him be prosecuted; but let not the public pay for the prosecution. As to the want of notice, was not the vote itself a notice?

Sir *R. Peel* said, that whatever might be the opinion of the House on the question now before it, he was certain that no other Member would be prepared to give his vote on the same grounds as the hon. and learned member for Clare. He had said that the prosecution was vindictive: if so, let the House mark its sentiments, by reprobating the conduct of the Attorney General; but let it not degrade itself by such a paltry mode of reprobation as that of reducing the votes on the Estimates. Was there ever such a miserable mode of dealing with a great constitutional question? Was there ever an instance of an attempt to subject a Lord Chancellor and an Attorney-general to censure, by diminishing a vote of 100*l.*? And what if the Lord Chancellor had paid out of his own pocket the expenses of the prosecution, instituted by the Attorney General?

Would not the hon. and learned member for Clare be among the first to charge him with vindictiveness on that very ground, and cite it as the strongest instance of an unjust and vindictive feeling? He had never yet seen a gentleman placed in such a situation as his hon. and learned friend beside him. When he had been expressly challenged to justify his conduct, he had been called to order by an hon. Member, and told that he ought not to proceed in an explanation into which he had been forced quite by surprise. He must say that his hon. and learned friend had not been fairly dealt with. He was called upon, without any public notice or private intimation, to vindicate his conduct in these prosecutions; and he would ask, whether this was a convenient opportunity for discussing that subject? A motion on this question had been made by the hon. and learned member for Plympton, who had protested against a private prosecution being changed to a public one. The House had decided against it. [*No, no.*] Well, the House had given no vote upon the subject; but the hon. and learned Member had given notice of a motion, which was to bring the whole subject before the House. Not content with this, the hon. member for Newark had also given notice of a distinct motion to a similar effect. Neither of these hon. Members had persevered in his motion; and was it therefore probable that his hon. and learned friend could expect that he was this night to be called on to enter into the whole question? Although it was competent for any hon. Member in a Committee of Supply to introduce any question he pleased, yet, as a matter of convenience, it was desirable to limit questions as much as possible to pecuniary matters, unless distinct notice were given. A pecuniary consideration certainly arose out of the question of the hon. Baronet, whether the expenses of the Lord Chancellor's prosecution were defrayed out of the public purse. If they were, they were defrayed by the vote of last year. He hoped they were, for he thought it far better that the charges of such prosecutions should come from the public funds, rather than from those of individuals. He would say, that although his (Sir R. Peel's) name had been introduced into an information, he would not pay the expense of it. The Attorney General had instituted that prosecution, not out of regard for his private feelings, but because he had, as Secretary of State, been unjustly libelled. He had done so without communicating his intention to him; and could there be any thing more absurd and unjust, than for him to be required to pay the expenses of a prosecution, in respect to which he was not even consulted? It was the duty of the Attorney General to protect public servants from attempts to run them down whilst in the performance of their public duties; and it was right that the Lord Chancellor should refuse to pay the expenses of such a prosecution. He should propose that, before the report be considered, and before a grant be made to defray these expenses, in order that the House should not adopt a proceeding implying the slightest censure on the Attorney General, or on the Lord Chancellor, or on any individual connected with those prosecutions, that an inquiry should be made, and the facts fully stated to the House, as to whether it were usual for the public to pay the expenses of such prosecutions. If it be the practice, and that practice be wrong, it was certainly competent for the House to alter it. The course he proposed, therefore, was that the vote should pass, and that, prior to the report, the facts should be fully stated to the House.

Sir *E. Knatchbull* was satisfied with the proposition of the right hon. Gentleman. It would then be for the House to decide on the sufficiency of the explanation.

Mr. *Sadler* stated, that the reason why he had not brought forward his motion might be seen in the state of the Vote-paper. The hon. Member was proceeding to refer to the subject of Ship-money in the reign of Charles 1st, when he was interrupted by violent coughing, and obliged to discontinue.

Sir *C. Wetherell* would withdraw his intended Amendment, as the proposal of the right hon. Secretary he thought was a fair one. The information he wanted was, whether any instance could be cited in which a private information had been commenced and abandoned in order to give an opportunity for the institution of a public one. The hon. and learned Gentleman, and the right hon. Secretary, seemed rather to be retiring from this question. He maintained that no such instance had ever occurred in Westminster-hall, and if no such case was brought to light, he should persist in proposing a reduction of the vote.

Sir *R. Peel* explained, that he had never contended that a committee might not discuss great constitutional questions; but he had contended that, in a Committee of Supply, and on a vote, it was generally customary for the Committee to confine itself to the pecuniary part of the business.

Mr. *Bright* expressed a hope, that the House would look into the question, with a view to ascertain whether a power should be put into the hands of the Ministers of the Crown to vindicate themselves against whatever charges might be brought against them, at the expense of the country.

Mr. *Hume* said, that as the right hon. Gentleman opposite had fairly admitted an explanation to be necessary with regard to these charges, and promised to give it before the report should be agreed to, he would not offer any further opposition to the vote on the present occasion, it being understood that it was allowed to pass *pro forma.*

Resolution agreed to.

The next Resolution, for a grant of 107,986*l.* to defray the expenses to be incurred on account of Convicts at home and in Bermuda, for the year 1830, was agreed to without any discussion, as also a vote of 35,000*l.* for Captured Negroes.

On the Resolution for a grant of 18,700*l.* to defray the expenses of the Commission for preventing the illegal traffic in Slaves,

Mr. *Hume* wished to ask the right hon. Gentleman opposite, whether he could not make arrangements to do away with this expense in part, if not altogether?

The *Chancellor of the Exchequer* said, the commission grew out of treaties made with foreign powers with a view to abolish the Slave-trade, a circumstance which constituted the difficulty of receding. As to the amount of expense incurred on this account, the Estimates bore witness that whenever vacancies occurred, the opportunity was taken to reduce the expense of the commission as far as practicable.—Agreed to.

On the Resolution for a grant of a sum of 28,000*l.* for Missions to the New States of America in 1830, being proposed,

Sir *J. Graham* observed, that this vote and the next to it were liable to great objections. He hoped, as it was his wish to take the sense of the House on the subject, that the Chairman might be permitted to report progress and ask leave to sit again, reserving the discussion upon these items for an earlier hour and a fitter opportunity.

Sir *R. Peel* had no wish to press these particular Resolutions at present, as they were objected to, but trusted that hon. Members would allow the subsequent votes to be proceeded with.

Mr. *Hume* said, that almost every vote that followed would be objected to.

Resolution postponed.

On the Vote of 16,690*l.* for the Common Law and Real Property Commissioners for 1830.

Mr. *Hume* objected to going into the Resolution at that hour, on the ground that the Commissions were likely to entail upon the country a perpetuity of expense.

Mr. *Brougham* said, he could not allow such an observation as perpetuity of expense to be applied to the Law Commissioners, without declaring his intention to share the responsibility incurred by the right hon. Gentleman opposite (Sir R. Peel). It had indeed been, in some measure, through his instrumentality that the expense was incurred, and so far from its being perpetual, he believed that a period of little more than a year, certainly not so much as two years, would be required for the full completion of their labours. The Commissioners had already made a Report embracing all the heads of the subject of their inquiries. This they had done in about a year and a half, and he was confident, if they went on as they had done, that another year and a half would be more than sufficient for the full completion of their labours.

Mr. *D. W. Harvey* said, many most valuable suggestions were contained in the reports presented, but not one of them was yet carried into execution. Why were not the useful improvements suggested carried into effect? The only measure yet brought into the House on the recommendation of the Commissioners was the bill of the hon. and learned Gentleman (the Attorney General), and that suggestion was the first seized upon because it was attended with expense to the country.

Sir R. Peel agreed to postpone the remaining votes, and the House resumed.

SALE OF BEER BILL.] On the question that the House do resolve itself into a Committee on the Sale of Beer Bill,

Mr. *Bright* objected to proceeding further with the present measure till the nature of that for effecting an alteration in the system of Excise, which was connected with it, should be before the House. He called upon Ministers to say precisely what that measure was, and to what extent it would take off the burthen of the Excise.

The *Chancellor of the Exchequer* objected to entering into a discussion of one measure, at a time when another measure was before the House. When the present Bill should have been disposed of, he would go into the other, and afford his hon. friend an opportunity of discussing it.

Sir *M. W. Ridley* asked, whether the public-houses now in existence, and licensed according to the present system, were to be put under the direction of the Excise in the same manner as was provided with respect to the new houses to be opened under the authority of this Act?

The *Chancellor of the Exchequer* said, the law would be, that those who sold Beer only as provided by the Bill, should be licensed by the Excise; and that those who combined with the Beer-trade a trade in Wine and Spirits should continue to be licensed as at present.

Mr. *Brougham* said, it appeared to him that those who had the spirit-licences would thereby possess such a preference as would give them a very fair chance, he might almost say a certainty, of keeping their ground.

The House went into Committee.

On the clause being read, restricting the brewers of Porter and Ale from using any other material in the process of brewing than malt, hops, and water,

Mr. *Bright* proposed, as an Amendment, that individuals should not be thus restricted. As the Chancellor of the Exchequer had introduced this as a free-trade measure, he thought it was but fair, looking to the right hon. Gentleman's argument, that persons in the trade should be allowed to brew from whatever ingredients they pleased. Of course, as the right hon. Gentleman had said, the public would very soon discover where the bad Beer and where the good Beer was sold. Therefore no ill effects were likely to arise from leaving the matter completely open.

The *Chancellor of the Exchequer* observed, that the great object of the Bill was to supply the public with a wholesome and nutritious malt beverage; and it was evident that that object would be defeated, if individuals were allowed to concoct liquor from quassia, coculus indicus, and other deleterious drugs.

The Amendment negatived without a division.

Sir *T. Freemantle* proposed a clause to enact that any person applying under the Act for a license, should give a notice to be put up for three successive Sundays on the church-door, containing his name and address; and that it should be lawful for any three rated parishioners to apply to a magistrate, and give security to enter an appeal against the granting of the license; and that the magistrates should not be authorized to grant the license if the applicant had been convicted of a felony, or was a man of notoriously bad character, or if the place where the public-house was to be kept was 100 yards from any public road.

The Committee divided: For the clause 42; Against it 72—Majority 30.

I N D E X

TO VOL. XXIV.

NEW SERIES.

SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.

Barrington, Sir Jonah, 1346
Birmingham Grammar School, 1131
Business, State of, 1346

Church, Reform of the, 358
Commons, Conference with the, 1070
Country, State of the, 214, 659

Debt, National, 428
Distress, National, 659

Equity, Suits in, 919, 1123

Four-and-a-half-per Cents, 998, 1070

Greece, 293, 815, 989, 1116, 1189, 1256

Hickson's Marriage Bill, 354, 542

King, Indisposition of the, 1062

Leather, Tax on, 422
London, Revenue of the See of, 122

Message from the Throne, 986
Military, Conscientious Scruples of, 918

Newspaper Stamps (Ireland), 532

Poor Laws (England), 535
——— (Ireland), 533
Priests, Converted, Pensions to, 30
Privilege, Breach of, 499

Reform of the Church, 358
Registers, Parish (Scotland), 424
Retford East, Disfranchisement of, 31, 68, 225, 294, 322, 543, 998
Revenue, 428

Sign Manual, 1062, 1132, 1191
Spirits, Duties on, 29, 217, 498, 594

Tariff, Russian, 1189
Terceira, 294
Tithes, Composition for, 499

Wilson, Sir T's. Estate Bill, 423

SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

Algiers, 871
Allowances, Superannuated, 64
Apprentices, 704

Barrington, Sir Jonah, 484, 965, 1075
Beer, Sale of, 15, 304, 323, 387, 401, 446, 951, 1333, 1398
Birmingham Petition, 774
Borris-o-kane Trials, 831
Bullion, Transmission of, 762

Canada, 1093
Canal, Grand Irish, 593
——— Subscriptions, Fraud in, 859
Catholic Charitable Bequests, 394
Ceylon, 1155
Chancery, Improvement in, 593, 859, 1171
Children, Deserted (Ireland), 56, 527
Clyde Navigation, 1192
Coaches, Hackney, 703
Coals, Tax on, 696
Constabulary Force (Ireland), 390, 866, 869
Corporation Fraud, 238
Crown, Demise of, 530

Dean, Forest of, 863
Debt, Imprisonment for, 826, 1258
Debts, Small, Courts, 1202
Debtors, Insolvent, 227
Distress, 10, 764, 829
Divorce, Law of, 124, 1260
Doneraile Conspiracy, 596
Dramatic Censorship, 1085

Employment, Fluctuation in, 682
Estimates, Miscellaneous, 938

First Fruits (Ireland), 838

INDEX.

Fisheries, 1201
Forgery, Punishment of, 11, 35, 328, 389, 674, 708, 1014, 1021
Four-and-a-half-per Cents, 922, 1015, 1356
Freedom of the City, 1204

Galway Franchise Bill, 54, 1115
Good Hope, Cape of, 1005
Greece, 1002, 1193
Greek Loan, 504

Indies, West, 829, 834
Indo-Britons, 377
Interment in the Metropolis, 680

Jews, 236, 375, 767, 769
Judicature (Scotch), 294, 1145
Justice, Administration of, 104, 864, 1172

Kelly, J. Case of, 830
King, Illness of the, 1001

Land Tax, 8
Law Reform, 243
Law Expenses of the Crown, 1368
Lead, Duty on, 1083
London Bridge Approaches, 227
Lord Lieutenancy of Ireland, 555

Machinery, 303
Madras Registrar's Bill, 37
Marriages, Catholic, 396
Mauritius Sugar and Slavery, 672, 774
Mexico, 875, 1017
Milbank Penitentiary, 938
Military, Conscientious Scruples of, 298

Navy Pay Office, 352
Newfoundland, State of, 580
Northern Roads, 1256, 1335

Officers, Continuance of, 345

Parliament, Business of, 504, 709, 831
Paupers, Irish and Scotch, 1000, 1129, 1351
Perth Navigation, 1191
Police Trials, (Ireland) 545
Police, New, 1199
Poor Laws, Amendment of, 38
——— (Ireland), 766, 1294
Prevesa, Blockade of, 8
Privy Council, 304, 731
Private Bills, Frauds in, 907
Privilege, Breach of, 979
Protestant Church (Ireland), 70
Publicans, Licenses of, 3

Reform in Parliament, 774, 1204
Registrar of Deeds (Ireland), 1141
Rhine, Navigation of, 4
Rye, Military Interference at, 1142

Sabbath, Profanation of, 1037
Session, Court of, 1195
Ship-owners, Petition of, 453
Sign Manual, 1148, 1193
Soap and Candles (Ireland), 1146
Solicitor General (Ireland), 240
St. James's Park, 340
Stage Coach Proprietors, Liability of, 1128
Stamp Duties, 10, 237, 448, 503, 707, 760, 1196
Steam Carriages, 328
Suffrage Universal, 1204
Supply, 305, 329, 506, 710, 922, 1029, 1361
Suttees, Abolition of, 1355

Taxation, Schedule of, 125
Taxes, Assessed, 1202
Terceira, 126
Timber, 14
Tithes, 818
Tobacco Duties, 26, 34
——— Manufacturers, 1111
Truck System, 325

Usury Laws, 56, 493

Vagrants (Scotch and Irish), 1351
Vestries (Ireland), 83, 1259

Watching and Lighting Parishes Bill, 38
Waterloo Bridge, Road from, 450, 502, 1348
Ways and Means, 1356
Welsh Judges, 868
Willis, Mr., Case of, 551
Windsor Castle, 347

MEMBERS WHO HAVE SPOKEN IN DEBATE—LORDS.

Aberdeen, Earl of, 293, 817, 989, 996, 997, 998, 1118, 1120, 1189, 1190, 1257
Anglesey, Marquis of, 532
Arden, Lord, 423

Bexley, Lord, 445
Bristol, Bishop of, 543
Buckingham, Duke of, 671
Bute, Marquis of, 997

Calthorpe, Lord, 1132
Canterbury, Archbishop of, 499
Carnarvon, Earl of, 68, 445
Chancellor, Lord, 68, 226, 543, 920, 1062, 1069, 1125, 1127, 1131, 1137, 1138, 1139, 1140
Clanricarde, Marquis of, 294
Darnley, Earl of, 533, 995, 997, 1346
Durham, Lord, 31, 68, 225, 994, 1116, 1121, 1189

Eldon, Earl of, 356, 501, 919, 1125, 1131, 1140
Ellenborough, Lord, 225, 667, 1121, 1123

Goderich, Viscount, 221, 428
Grey, Earl, 214, 988, 997, 1067, 1069, 1119, 1121, 1131, 1137, 1139

Harrowby, Earl of, 1191
Holland, Lord, 30, 31, 32, 998, 1122, 1190, 1257

Lansdown, Marquis of, 997, 998, 1070, 1135
Limerick, Earl of, 30
Lichfield and Coventry, Bishop of, 1131

London, Bishop of, 122, 354, 542
Londonderry, Marquis of, 31, 293, 671, 815, 995, 996, 1256, 1257

Malmesbury, Earl of, 29, 30, 32, 217, 422, 499, 595, 1119, 1139, 1189
Mansfield, Earl of, 423
Melville, Viscount, 428
Montrose, Duke of, 498
Mountcashel, Lord, 30, 31, 358

Napier, Lord, 424

Rosebery, Earl of, 428, 594
Rosslyn, Earl of, 31

Salisbury, Marquis of, 31, 32
Stanhope, Earl, 442, 659, 660, 664, 669, 671

Tenterden, Lord, 423
Teynham, Lord, 535

Wellington, Duke of, 441, 662, 919, 986, 987, 1069, 1121, 1134, 1346
Westmorland, Earl of, 1346
Wharncliffe, Lord, 1347
Winchilsea, Earl of, 918, 919, 997, 998, 1132, 1135

MEMBERS WHO HAVE SPOKEN IN DEBATE—COMMONS.

Acland, Sir T. D. 351, 701, 1128
Advocate, the Lord, 297, 674, 730, 1145, 1195, 1196
Althorp, Lord, 40, 59, 227, 236, 283, 312, 335, 570, 626, 701, 721, 724, 728, 753, 934, 1105, 1151, 1193, 1230
Arbuthnot, Mr. 343
Astell, Mr. 37, 38
Attorney-General, 62, 106, 116, 120, 231, 274, 492, 493, 635, 827, 864, 928, 1177, 1359, 1369, 1375, 1378, 1383, 1386, 1390, 1393

Bankes, Mr. G. 799
Barclay, Mr. C. 17, 415, 955
Baring, Sir T. 39, 51, 677, 1073, 1074
Baring, Mr. 76, 81, 235, 675, 699, 825, 899, 927, 929, 1359, 1362, 1363, 1368, 1389, 1390
Baring, Mr. A. 769, 900, 1085
Batley, Mr. H. 110, 152, 724, 969
Belgrave, Lord, 450, 786, 791, 1185
Benett, Mr. 43, 45, 53, 304, 389, 408, 865, 965
Benson, Mr. 861, 862, 907, 910
Beresford, Colonel, 71
Bernal, Mr. 513, 591, 673, 1153, 1187
Bourne, Mr. Sturges, 1129, 1352, 1355
Bright, Mr. 28, 232, 325, 375, 727, 828, 905, 929, 964, 1198, 1203, 1359, 1397, 1398, 1399
Brougham, Mr. 35, 120, 243, 288, 348, 352, 419, 593, 768, 771, 772, 807, 859, 915, 963, 1002. 1003, 1005, 1014, 1054, 1145, 1146, 1172, 1188, 1244, 1254, 1360, 1390, 1398, 1399
Brownlow, Mr. 503, 574, 680
Brydges, Sir J. 400, 448
Burrell, Sir C. 414, 1131
Burrell, Mr. 1142
Buxton, Mr. F. 12, 22, 390, 412, 674, 676, 961, 1059, 1335, 1356
Byng, Mr. 388

Calcraft, Mr. 15, 58, 401
Callaghan, Mr. 644
Calvert, Mr. C. 19, 387, 415, 417, 1111, 1114, 1129, 1259, 1351, 1355
Calvert, Mr. N. 772, 773, 1351
Castlereagh, Lord, 575, 700
Cave, Mr. O. 1143
Chancellor of Exchequer, 26, 27, 29, 64, 67, 74, 87, 88, 125, 238, 304, 316, 319, 325, 329, 342, 347, 351, 391, 453, 484, 490, 504, 505, 506, 507, 519, 520, 522, 523, 524, 530, 576, 678, 693, 698, 703, 709, 710, 716, 721, 722, 725, 729, 745, 838, 854, 864, 865, 868, 956, 964, 1113, 1147, 1198, 1203, 1333, 1334, 1335, 1397, 1399, 1400
Chandos, Marquis of, 829, 836
Clements, Lord, 830
Clive, Lord, 909, 910
Cockburn, Sir G. 751, 1366, 1367
Colborne, Mr. R. 961
Cole, Sir C. 701, 868
Courtenay, Mr. 44, 153
Cripps, Mr. 39, 47, 691, 960
Croker, Right Hon. J. W. 183, 401

Daly, Mr. 54
Darlington, Lord, 788
Davenport, Mr. Davies, 1182
Davenport, Mr. E. 110, 505, 525, 774, 872, 1172
Davies, Mr. Hart, 34
Davies, Colonel 338, 531, 713, 715, 946, 1001
Dawson, Mr. G. 323, 324, 338, 710, 713, 714, 715, 716, 720, 729, 830, 1030, 1354, 1368, 1384, 1385
Dawson, Mr. A. 594, 975, 1130
Deering, Sir E. 791
Denison, Mr. 325, 1105
Dickenson, Mr. 408
Doherty, Mr. 235, 236, 239, 240, 242, 308, 391, 528, 545, 604, 635, 831, 867, 870, 1081, 1352
Douglas, Mr. K. 834, 837
Drummond, Mr. H. 20, 298, 729, 1192
Dugdale, Mr. 859
Duncombe, Mr. 1201, 1202, 1330, 1334
Dundas, Mr. R. 1216

Ellis, Mr. 1005, 1348
Encombe, Lord, 1201
Estcourt, Mr. 52, 826, 960, 1130, 1355
Evans, Colonel, 1142, 1143

Ferguson, Mr. C. 21, 236, 276, 285, 449, 828, 1172, 1195
Fitzgerald, Mr. M. 526, 1105
Forbes, Sir C. 321, 386, 680, 1170
Freemantle, Sir T. 51, 1193, 1400
Fyler, Mr. 484, 704, 830

Gascoyne, General, 376, 699, 770, 785
Gilbert, Mr. D. 1361
Gooch, Sir T. 953
Gordon, Mr. R. 39, 57, 65, 67, 311, 319, 321, 329, 340, 343, 347, 350, 352, 491, 506, 507, 519, 523, 530, 716, 722, 934, 1030, 1334, 1342, 1368, 1371
Gower, Lord, F. L. 56, 75, 96, 139, 400, 485,

490, 492, 528, 564, 594, 646, 854, 966, 1074, 1082, 1288, 1327
Graham, Sir J. 305, 453, 507, 508, 512, 519, 521, 709, 731, 745, 756, 757, 1016, 1017, 1083, 1192, 1356, 1357, 1397
Grant, Sir A. 837
Grant, Mr. C. 4, 7, 8, 126, 212, 1107
Grant, Mr. R. 773, 784, 785
Grattan, Mr. H. 34, 1198, 1199, 1351
Grattan, Mr. J. 761, 766, 1130, 1330

Hardinge, Sir H. 309, 310, 311, 312, 317, 320
Hart, General, 448
Harvey, Mr. D. W. 9, 232, 639, 726, 863, 864, 874, 911, 971, 976, 1076, 1081, 1082, 1202, 1373, 1377, 1384, 1398
Heathcote, Mr. 57, 409, 493, 765, 1340
Herries, Right Hon. J. C. 15, 125, 227, 468, 474, 511, 722, 835, 1084, 1201, 1362, 1365
Hobhouse, Mr. J. C. 8, 340, 345, 350, 450, 1235, 1350
Horton, Mr. W. 40, 45, 51, 508, 511, 514, 1008, 1104, 1329
Houldsworth, Mr. 418
Howick, Viscount, 311, 525, 755, 1102
Hume, Mr. 9, 10, 25, 27, 28, 29, 72, 83, 120, 124, 126, 234, 238, 298, 303, 305, 307, 309, 310, 312, 316, 317, 319, 324, 327, 336, 344, 505, 507, 512, 521, 522, 531, 555, 579, 591, 631, 678, 709, 710, 711, 713, 716, 721, 722, 725, 730, 752, 753, 765, 818, 826, 832, 838, 862, 865, 871, 874, 922, 937, 938, 1004, 1015. 1016, 1029, 1030, 1031, 1074, 1085, 1108, 1142, 1144, 1148, 1165, 1191, 1252, 1258, 1334, 1360, 1361, 1368, 1381, 1397
Huskisson, Right Hon. W. 207, 375, 754, 762, 800, 834, 875, 905, 962, 1028, 1084, 1358, 1366, 1367

Inglis, Sir R. H. 82, 298, 302, 824, 973, 1192, 1351
Irving, Mr. 674

Jephson, Mr. 504, 575, 708, 870
Jones, Mr. 104, 111

Kennedy, Mr. 297, 1343
Killeen, Lord, 768
King, Mr. 70, 73, 327
Knatchbull, Sir E. 227, 301, 303, 304, 825, 963, 1130, 1142, 1144, 1385, 1392, 1396

Labouchere, Mr. 291, 591, 1010, 1093, 1110
Lamb, Mr. G. 450, 1344
Lennard, Mr. 11, 679, 728, 1085, 1154, 1200
Lewis, Mr. F. 41, 107, 352, 525
Liddell, Mr. 465, 1084, 1341
Littleton, Mr. 327, 1129, 1354
Lindsay, Colonel, 1191
Lowther, Lord, 451, 453, 681, 863, 1337, 1349
Lushington, Dr. 78, 768, 1012, 1276

Maberly, Mr. 308, 310, 414, 514, 525, 729, 730, 949, 961, 1030
Macintosh, Sir J. 36, 37, 178, 328, 383, 674, 1031, 1032
Marryat, Mr. 680
Marshall, Mr. 690
Martin, Mr. 768, 1051
Maxwell, Mr. 297, 303
Mildmay, Mr. 790
Milton, Lord, 311, 314, 344, 416, 496, 523, 524, 551, 670, 750, 963, 1005, 1084, 1109
Monck, Mr. 324, 766, 951, 963, 1203, 1331, 1333
Moore, Mr. 34, 76, 94, 448, 568, 699, 707, 761, 1196
Morpeth, Lord, 708, 827, 828, 1335
Murray, Sir G. 290, 298, 302, 513, 514, 553, 571, 589, 592, 673, 674, 712, 714, 774, 948, 1007, 1014, 1162

Newport, Sir J. 76, 95, 125, 229, 238, 239, 326, 335, 450, 676, 712, 728, 761, 766, 838, 933, 1080, 1141, 1146
North, Mr. 239, 400, 627, 1115

O'Brien, Mr. W. 1234
O'Connell, Mr. 56, 60, 83, 101, 105, 122, 234, 236, 237, 238, 239, 240, 241, 242, 285, 301, 306, 308, 336, 347, 376, 390, 391, 393, 394, 395, 396, 449, 485, 527, 529, 530, 548, 574, 596, 648, 678, 699, 713, 714, 715, 723, 760, 767, 771, 793, 828, 829, 830, 831, 866, 867, 868, 869, 871, 874, 917. 936, 1080, 1093, 1141, 1163, 1204, 1253, 1259, 1271, 1353, 1393
Owen, Sir J. 120
Owen, Mr. 1185
Oxmantown, Lord, 75, 81, 569

Pallmer, Mr. C. N. 36
Palmer, Mr. F. 825
Peach, Mr. 124
Parnell, Sir H. 504, 569, 762, 914, 1339
Peel, Secretary, 5, 7, 8, 36, 48, 53, 98, 105, 279, 779, 802, 829, 832, 833, 836, 859, 864, 872, 873, 900, 910, 917, 932, 936, 941, 946, 950, 973, 976, 978. 980, 1001, 1002, 1004, 1005, 1025, 1028, 1043, 1051, 1082, 1092, 1109, 1141, 1143, 1145, 1146, 1148, 1151, 1153, 1187, 1195, 1200, 1201, 1202, 1240, 1259, 1286, 1356, 1360, 1394, 1397, 1398
Peel, Colonel, 862
Pendarvis, Mr. 1202
Perceval, Mr. 306, 308
Phillimore, Dr. 8, 125, 142, 1260, 1288
Philips, Sir G. 1355
Planta, Mr. 1025
Portman, Mr. 38, 323, 406, 519, 755
Powlett, Lord W. 1085
Protheroe, Mr. 344, 375, 769, 824, 826, 1030

Rice, Mr. Spring, 54, 124, 236, 237, 449, 491, 556, 696, 701, 711, 847, 978, 1115, 1199, 1272, 1329
Ridley, Sir M. W. 338, 344, 350, 506, 676, 724, 874, 1344, 1399
Robinson, Mr. 59, 473, 580, 592, 680, 692, 783, 1014
Rumbold, Mr. 466
Russell, Lord J. 175, 677, 797, 903, 1004, 1194, 1221

Sadler, Mr. 3, 411, 462, 484, 979, 1182, 1294, 1331, 1396
Sandon, Viscount, 175, 1098
Sebright, Sir J. 21, 350
Sibthorp, Colonel, 418, 521, 1341
Slaney, Mr. 46, 52, 325, 682, 695, 914, 953, 1010, 1075, 1331, 1334
Smith, Mr. J. 708
Smith, Mr. W. 673, 713, 755, 1202
Solicitor General, 61, 176, 233, 236, 284, 395, 497, 644, 723, 725, 767, 768, 933, 967, 1142, 1171, 1274, 1379
Somerset, Lord E. 307, 308
Somerset, Lord G. 418
Speaker, The, 862

Spottiswoode, Mr. 680
Stanley, Lord, 10, 324, 1129, 1353, 1355
Stanley, Hon. E. G. S. 203, 325, 328, 524, 672
Stewart, Mr. 11, 21, 466, 1155, 1357
Stewart, Sir M. S. 294
Sykes, Mr. D. 467, 495, 724, 1192

Taylor, Mr. M. A. 679, 859
Tennyson, Mr. 227
Thompson, Alderman, 228, 388, 764, 904, 1074, 1367, 1381
Thomson, Mr. P. 56, 477, 700, 722, 724, 760, 1085, 1361
Trant, Mr. 11, 67, 98, 302, 767, 796, 1171, 1329
Trench, Colonel, 300
Trevor, Mr. 115
Tullamore, Lord, 593
Twiss, Mr. H. 154, 175

Valletort, Viscount, 1232
Vaughan, Sir R. W. 1187
Vyvyan Sir R. R. 1154, 1199, 1202

Waithman, Alderman, 230, 389, 453, 480, 695, 726, 874, 911, 1202
Warburton, Mr. 13, 14, 26, 513, 592, 680, 699, 723, 724, 1084, 1351, 1361
Wells, Mr. 303
Western, Mr. 13, 956
Wetherell, Sir C. 59, 240, 395, 495, 931, 933, 934, 969, 977, 1151, 1180, 1268, 1333, 1358, 1360, 1385, 1396
Whitmore, Mr. 386
Wigram, Mr. 1393
Wilbraham, Mr. 1176
Williams, Mr. T. P. 107
Williams, Mr. O. 120, 674
Williams, Mr. J. 916, 1185
Wilson, Sir R. 767, 768, 792, 871, 894, 967, 968, 975, 979, 1017, 1330, 1334
Wilson, Colonel, 446, 475
Wodehouse, Mr. 43, 699
Wood, Mr. C. 51, 190, 524, 526
Wood, Colonel, 107, 531, 1130
Wood, Alderman, 764, 765, 977, 1000, 1074, 1129, 1204
Wood, Mr. J. 724, 917, 1351
Wortley, Mr. Stuart, 382, 1108, 1355
Wrottesley, Sir J. 703, 784, 912, 1000, 1130
Wynn, Mr. W. 55, 114, 287, 377, 386, 531, 831, 874, 914, 969, 973, 979, 1060, 1194, 1281

Yorke, Sir J. 451, 502, 575, 710, 753, 1060

END OF VOL. XXIV.

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